

APPEAL A: APP/E2205/W/20/3259450 At Former Wye College, Wye, Ashford

APPEAL B: APP/E2205/W/20/3259462 At Occupation Road, Wye Ashford

APPEAL C: APP/E2205/W/20/3259465 At Former ADAS site, Olantigh Road, Wye, Ashford

Note from Appellant to Accompany Conditions

All conditions relating to Appeal B and C, as set out in the attached schedules, are agreed between the main parties.

The majority of conditions in relation to Appeal A are also agreed, with the exception of 10, 11, 13, 15, 17 and 20b, which are highlighted as red in the Appeal A schedule of conditions.

It is suggested that the wording of conditions 10, 11, 13, 15 and 17 should be amended as proposed by the Appellant for the reasons set out below. To this end, the proposed alternative wording for conditions 10, 11, 13, 15 and 17 is set out in a separate schedule, which accompanies this submission and should be read alongside the main schedule and this note.

Condition 10

The purpose of the condition is to specify the use of certain key rooms within the college development.

The suggested wording for this condition, as proposed by ABC, seeks to allow public access to a wider range of rooms than has been agreed with the Appellant. The Council seek to include the Dining Room/Parlour which the application has proposed for communal use by residents of the development.

The Appellant's proposed wording also allows extensive public access to the key areas of the listed buildings, but excludes the Dining Room/Parlour from the list of rooms accessible to the public.

It is agreed that the Appeal proposals are policy compliant. Hence it is the Appellant's view that the condition as they propose is relevant to the development, clear, enforceable and reasonable in all respects.

The Appeal proposals strike an appropriate balance between the residential use of the building, which is the principal use that provides for the restoration and future maintenance of the listed building complex, the privacy of residents and associated communal residential spaces, while providing an appropriate level of managed public access.

Condition 11

Condition 11 secures the provision of the Wye Heritage Centre as proposed in the development and secures its availability for use within the proposed hours.

The Heritage Centre would be run and operated by Wye Heritage in the same manner as the existing facility and has been designed to their requirements. The condition proposed by the Appellant does not include the Council's proposed additional requirement to submit a scheme of management

arrangements and rents to be agreed with the LPA and Parish Council. These requirements are not relevant to planning and are not necessary.

It is agreed that the Appeal is policy compliant. Hence it is the Appellant's view that the condition as they propose is relevant to the development, clear, enforceable and reasonable in all respects.

Condition 13

Condition 13 secures public access to specified rooms and spaces within the main listed buildings of the former college complex at times that have been agreed with ABC. This strikes a balance between the proposed residential use and residential amenity and managed public access.

It is agreed that the Appeal is policy compliant. Hence it is the Appellant's view that the condition as they propose is relevant to the development, clear, enforceable and reasonable in all respects.

The condition proposed by the Appellant differs from that sought by the Council in that it does not include access under part 13 a) to:

1. the Dining Room and adjacent Parlour, which were proposed as communal dining use by residents of the development and where public access would be inappropriate;
2. to the Solar Room, which is part of a flat on the first floor;
3. to the SAM which is part of a private residential garden; and
4. to all cloisters and courtyards, some of which are private gardens or courtyards. Those available for public access are specified in the Appellant's condition.

The condition proposed by the Appellant also provides for access to the Chapel for a minimum of 4 services each month each of up to 2 hours duration. This reflects discussions with Wye Heritage and St Gregory and St Martin Church. The condition proposed by ABC requires a minimum of 2 services each week each of between 3-6 hours, which is considered excessive and is not justified.

The condition as proposed by ABC also contains significant detail which should not be included in a condition, is unrelated to planning and is unnecessary. This includes complex management plans covering management arrangements, publicity and marketing, financial considerations and review mechanisms that might vary public access arrangements and which introduces significant uncertainty for residents and management of the complex.

Condition 15 and 17

Conditions 15 and 17 are conditions precedent as proposed by ABC and preclude any development commencing until the details set out in each condition are satisfied. Given that the conditions concern the protection of below ground archaeology, this is unnecessary and unjustified.

It is proposed by the Appellant that internal strip out works to the buildings can commence in advance of these conditions being discharged, thereby commencing development and allowing the detailed design works required under the listed building consent, and which can only occur following initial strip out, to be progressed. This can also cover preparation works and above ground demolition works that do not result in excavation below slab level.

The current wording, as proposed by ABC, would lead to significant unnecessary delays in implementing the consent, whilst full archaeological field work was designed, undertaken and any reporting is completed and approved.

Condition 20b

It is suggested that part (b) of condition 20, should be deleted, as this requires the submission of details and specifications of footpath improvements to footpath AE110 adjacent to the development site and requires that it shall be resurfaced with a new bound surface.

This section of footpath relates to that passing through the churchyard to the west, the improvements to which are already covered by the £10,000 'pay regardless' contribution secured in the s106. As such, there is no requirement for it to be included in the conditions.

Use Classes

As a final point, we would seek clarification on the correct use classes to reference in the various conditions. Whilst we consider that the previous use class order (Class D1/D2 etc) is relevant, as it was in force at the time of application submission, we note that ABC have adopted the September 2020 updated Order in their suggested wording (F1/F2 etc).