

Document: TT5/4- Rebuttal Proof of Evidence (Planning Balance)

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL REFERENCES: **Appeal A: APP/E2205/W/20/3259450 (Wye College)**
 Appeal B: APP/E2205/W20/3259476 (Occupation Road)
 Appeal C: APP/E2205/W20/3259462 (ADAS)

PROOF OF EVIDENCE OF: **STEVEN FIDGETT BSc (Hons) DipTP (Dist) MRTPI**

FOR: **TELEREAL TRILLIUM/TELE PROPERTY INVESTMENTS LTD**

APPEALS AGAINST THE NON-DETERMINATION OF THREE FULL PLANNING APPLICATIONS FOR:

Appeal A: Former Wye College Buildings, High Street, Wye, Ashford, TN25 4AH

Conversion of former College buildings with associated restoration and alterations to buildings, demolition of later structures and rebuilding to provide 38 dwellings and community space; together with provision of two new dwellings, parking courts with car barns, cycle storage and refuse stores on land to the north of the retained buildings and associated landscaping; and change to parking arrangements for Squires Cottages (Change of Use from College residential accommodation back to 4 individual dwellings approved under Reference 16/00893/AS).

Appeal B: Land North of Occupation Road, Wye, Ashford

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

Appeal C: Former Government Offices, Olantigh Road, Wye, Ashford

Demolition of offices and redevelopment with 20 dwellings and associated garages, parking and internal estate roads and open space.

DATE: 14 January 2021

CONTENTS

Update in respect of Appeal A	3
SoCG Housing Land Supply	3
Wye Neighbourhood Plan Compliance – Phasing and Mix	3
Conclusion	14

ANNEXES

ANNEX 1	Masterplan Vision
ANNEX 2	Committee Report Withersdane 19/00910/AS
ANNEX 3	Committee Report Wye School 16/01548/AS

Update in respect of Appeal A

- 1.1 Since the preparation of my original proof of evidence, the Council have indicated that are in agreement that the proposals are acceptable and they are no longer opposing Appeal A, subject to the conditions and planning obligation which are now substantially agreed. The Council are understood to be withdrawing the evidence of Mr Fazzalano and redacting the relevant parts of Miss Westphal's evidence in respect of Appeal A.
- 1.2 In so doing, the Council have confirmed that they also consider Appeal A to accord with policy COM1 in relation to the provision of community space and that, subject to the agreed conditions and s106 obligation, there is no issue of non-compliance with the development plan on this or any other basis.
- 1.3 As such it is now agreed between the Appellant and ABC that Appeal A accords with the policies of the development plan and the NPPF and, under the terms of paragraph 11 c) the Appeal should be permitted without further delay.

SoCG Housing Land Supply

- 1.4 At the time of writing this updated evidence, it is also anticipated that there may be an agreed position between the Appellant and the Council in respect of the 5 year HLS position. This is likely to be set out in an updated SoCG.

Wye Neighbourhood Plan Compliance – Phasing and Mix

- 1.5 Both the evidence of ABC and WHPC raise issue with a number of issues of potential compliance with the Wye Neighbourhood Plan. I addressed this in my evidence at section 4, but respond specifically to the issues raised in their evidence below.
- 1.6 It seems to be part of the case set out by Mr Goodwin for WHPC that a number of policy requirements are set out in the WNP, which should have been included in the Masterplan and delivered in accordance with these requirements. It is suggested that these are not being delivered either in terms of the Masterplan or these Appeals.
- 1.7 This is simply incorrect and I have set out my reasoning below.
- 1.8 The relevant requirements of WNP6 are that for the WYE3 allocation:
 - 1.8.1 The development delivers a mix of uses including: education, business, community infrastructure and housing;
 - 1.8.2 The development should be delivered in phases in accordance with a Masterplan that has been adopted as SPD by ABC;
 - 1.8.3 Any application pursuant to the above should be preceded by an EIA screening and carried forward in accordance with the results of that screening.
- 1.9 In this regard WNP6 and WNP11 cover the whole of the former college landholding within the

village of Wye as shown on Figure 6.1 of the WNP (as shown in Fig 1 of Section 3 of my main proof) together with Withersdane, to the east of the village. Its requirements must be read and considered across the whole of the former WYE3 allocation and not individual proposals.

- 1.10 The requirements of WNP6 were addressed in a collaborative process involving independent facilitators, the Appellant, ABC and WHPC each of whom were represented on the steering group for the Masterplan preparation. This went through several stages and methods of engagement and consultation, as described in my evidence and the relevant committee reports proposing its adoption for development management purposes.
- 1.11 The Masterplan clearly shows a mix of uses across the WNP6/WNP11 allocation. Part of the analysis set out within the Masterplan shows in illustrative terms the main areas considered for a mix of residential, employment, educational and community uses. I comment on these further below.
- 1.12 The developments proposed as set out within WNP11 have also been delivered in a phased manner. I comment also on this below.
- 1.13 In relation to each Appeal, they have been the subject of EIA screening both initially and by the Secretary of State and no EIA has been required individually or cumulatively, so the policy requirements are met in this regard.
- 1.14 Hence, in each respect the Appeals comply with WNP6.



Figure 1: Masterplan Illustrative Land Uses and Landscape Framework

1.15 At Annex 1 of this evidence, I reproduce the overall Masterplan Vision derived from these principles, which clearly identifies the mix of uses, quantum and forms of development proposed for the sites comprising the former WYE3 allocation. This accords with the overall arrangement of land uses shown for illustrative purposes in Figure 1. This is also the overall pattern of land use that the Appellant has delivered thus far (see below) and, subject to the outcome of these Appeals, intends to continue to deliver.

1.16 This includes the following proposed land uses, based on the WNP11 policy:

- WNP11 a) Educational use including new teaching, sports and lecture spaces, MUGA pitches and sports pitches north of Occupation Road (formerly Kempe Centre used as Library and Learning Resource Centre);
- WNP11 b) Commercial/business use west of Olantigh Road (former Russell laboratories and students union facilities)
- WNP11 c) Commercial/business space south of Occupation Road and retention of 4 existing houses;
- WNP11 d) Areas of horticultural and agricultural use;
- WNP11 e) Preservation, restoration and enhancement of the main listed college complex, through residential conversion with community use;
- WNP11 a) and f) Outside of the Masterplan proposals, Withersdane is now owned and is due to open as an Italian residential university (Use Class C2);
- WNP11 g) and h) Residential uses at the former ADAS site (Appeal C) and North of Occupation Road (Appeal B);

1.17 For each land parcel and based on the consultation and assessments carried out, the Masterplan further identifies a number of general principles based on the analysis of constraints and opportunities and engagement feedback:

- a) Suitable land use or land uses
- b) Conversion, redevelopment, new build or combination of these
- c) Amount of new development (expressed as an approximate number or range, to allow for design to drive the final scheme on each site
- d) Scale of resulting built development
- e) Height/number of storeys, massing
- f) Transport implications including parking
- g) Contribution to local community provision (on site or off site contribution)

- h) Landscape/new planting/open space/habitat enhancement
- i) Historic Environment considerations
- j) Other development management considerations relevant to the proposal

1.18 The redevelopment and reuse proposals brought forward so far have followed the WNP process and Masterplan process. The following Figure 2 shows in illustrative terms those phases of the Masterplan and WNP11 proposals that have already been delivered, those phases proposed in these Appeals (A, B and C) and those phases of development proposed to follow as separate applications.

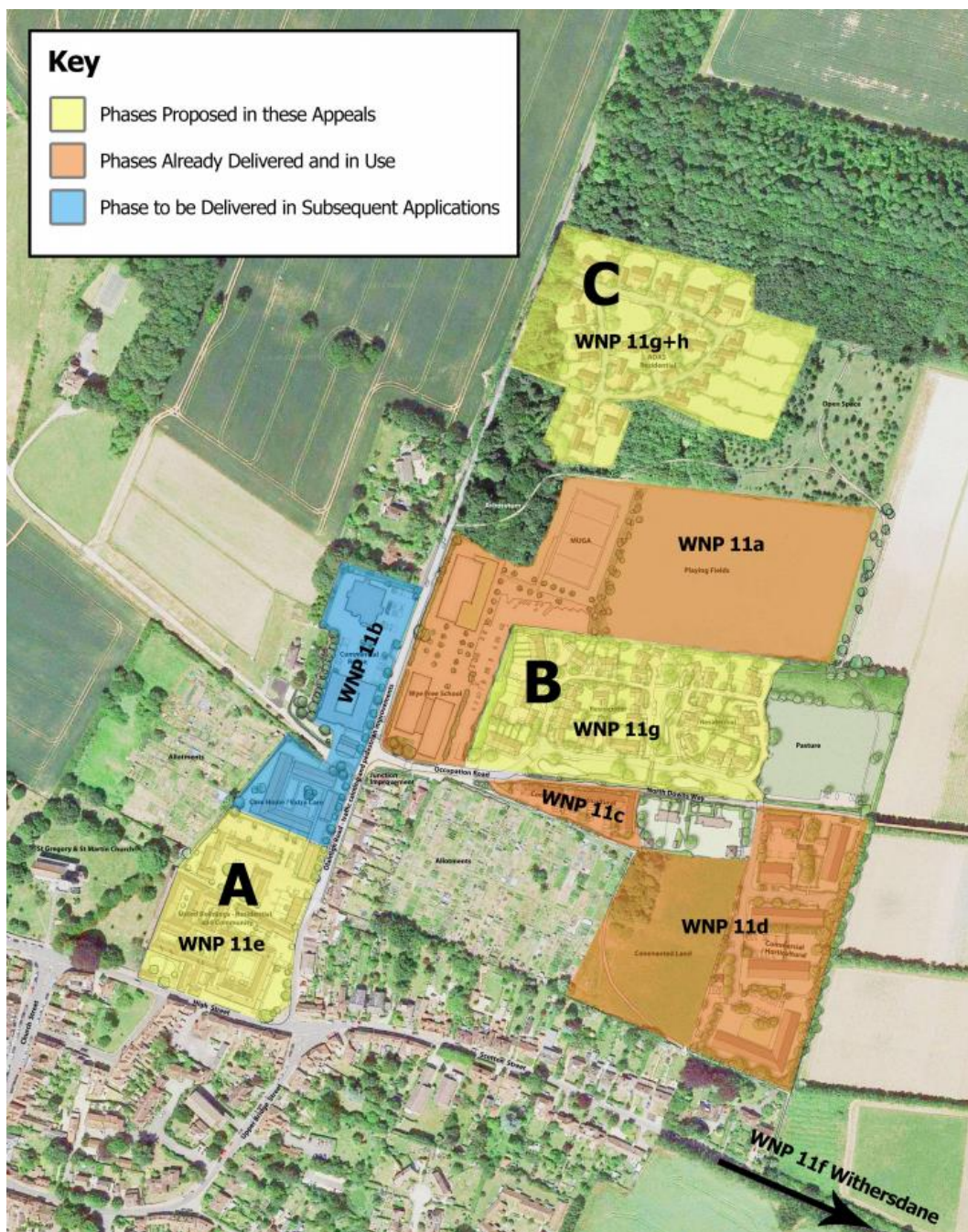


Figure 2: Illustrative phasing of WNP11 land uses/developments

1.19 Notwithstanding the delays caused by the failure by ABC to complete the adoption of the Masterplan or to determine each of the applications which are the subject of these Appeals, the following elements of the Masterplan are already in use and have been delivered:

- I. Wye School, a new, coeducational, free school with 600 students (age 11-19) based within the modern library and ICT centre of the former college and involving the reuse of the former Kempe building. Initially a temporary use, this has now been in operation for a number of years and benefits from a new lease and major new building opened in 2019 (see Figure 3 below), with new sports pitches and MUGA facilities which provides a state of the art, new school facility. Some of these facilities are also used by the community.



Figure 3: the new sports hall and lecture theatre within Wye School

- II. Wye Heritage Centre, using the Latin School on a temporary basis until new accommodation within Appeal A;
- III. Commercial uses comprising the following on the land south of Occupation Road as shown in Figure 4:
 - Blue - OSG architects
 - Orange – Heartwood Joinery
 - Purple - Wye Bugs
 - Lime – Thorson Farms - 6000sq ft warehouse
 - Red – GSE Technology – (over 80,000sq ft of glasshouses used by a horticultural supplier).



Figure 4: Areas leased to commercial businesses south of Occupation Road.

- IV. Separately from the landholding owned by the Appellants, the use of Withersdane Hall (also part of WYE3 and WNP6), which lies just outside the village on Coldharbour Lane, operated as a private clinic for a number of years, but now has planning permission and has been acquired by an Italian university group, The University of Niccolò Cusano and will be home to 250 mainly French and Italian students when it opens.
 - V. Other parts of the landholding such as The Green, opposite the main college buildings in the centre of Wye, are owned by the Appellant but have remained available to the community for use for annual parish events and the regular farmers market, held twice a month.
- 1.20 Although the approval process for the current phase of development comprising Appeals A, B and C have each taken significantly longer than anticipated or planned, which has consequently delayed the next phase of the proposals and the associated further investment, it is still intended by the Appellants that the further commercial accommodation and the proposed care home/extracare facility shown in the Masterplan will be brought forward following these Appeals, should they be successful.
- 1.21 The developments have been brought forward in a phased manner compliant with policy, with a number completed, a number proposed and a number to follow. This is not piecemeal and accords with the policy requirements and strategy of the Masterplan.
- 1.22 It is perhaps relevant to note that each of the developments so far proposed for the WNP6 and former WYE3 sites, have been opposed by WHPC. Objections raised by WHPC in relation to the university proposals at Withersdane included prematurity to the Draft WYE3 Masterplan, C2 educational use duplicating allocations in the Draft WYE3 Masterplan, was formerly a satellite

campus and lacks infrastructure for a freestanding campus, traffic and drainage among other things. These are summarised in the committee report of 16 January 2020 at Annex 2. I note also at that time the WHPC attached weight to the Draft WYE3 Masterplan.

- 1.23 Objections by WHPC to the application for the second and third phase of Wye School (which was considered at committee on 16 August 2017) included that it was premature ahead of the WYE3 Masterplan, was piecemeal in nature and contrary to policy WNP11 (j) which requires a comprehensive approach, as well as to highways, drainage, AONB and other issues. These are summarised in the committee report at Annex 3.
- 1.24 In each case the applications were approved by ABC and indeed Wye School has been delivered and was completed in 2019.
- 1.25 Hence, notwithstanding the actions of WHPC in their pre-action letter to prevent the adoption of the Masterplan and their individual objections to each of the developments proposed under WNP6 and WNP11 so far, it is clearly the case that a significant mix of uses and development has already been delivered across the WNP6 and WNP11 site. It must be concluded that, together with the Appeal proposals, this accords with and discharges the requirements for mixed use development in each policy.
- 1.26 Further development in accordance with the Masterplan and WNP6 will add to the mix of uses, vibrancy and diversity delivered to date and which will be enhanced by these Appeals. This will add significantly to the vitality and economy of Wye and bring to an end the years of vacancy and disuse since the college closed.
- 1.27 I have set out in my evidence why I consider that the Appeals accord with WNP6 insofar as they comply with both the policy requirements for mixed use development, EIA screening and with a proposed Masterplan, which has been resolved to be adopted for development management purposes by ABC.
- 1.28 The key role of the masterplan process in policy terms was to achieve an overall vision for the redevelopment of the WNP6 (and former WYE3) site and avoid the issue of piecemeal or uncoordinated development. That is precisely what has been achieved through the masterplanning process undertaken, which sets out a comprehensive analysis of the constraints and opportunities, the technical basis for proposals and an overall spatial distribution of land uses, scales and forms of development. The issues between ABC and the Appellant in these Appeals, show that this has been achieved with a very substantial degree of agreement with the exception of the use of the Latin School in Appeal A and with the exception of the detailed layout and design of Appeal B and Appeal C (the latter based on a difference between 15 and 20 dwellings).
- 1.29 It cannot be right in my view that, as a result of WHPC actions to prevent adoption of the Masterplan, each application pursuant to WNP6 is held to be contrary to the development plan.

This must especially be the case where the Appellant has sought to comply with the requirements of the Masterplan process at every stage insofar as they have been able to do so and where there have been no proposals to bring forward an alternative masterplan by either WHPC or ABC, or indeed in circumstances where the WNP was not reviewed in light of the adoption of the Borough Local Plan, as it was meant to be. If, notwithstanding this, there is judged to be a conflict with policy WNP6 in this regard, the weight attached to it must be very substantially reduced and should not prevent the positive determination of the development proposed in these Appeals, just as it has not prevented the applications at Withersdane and Wye School.

1.30 The requirements of WNP11 are addressed in paragraph 4.120 of my main proof. It should be noted that the policy is positively expressed, it is an allocation promoting the development of the WNP6, WNP11 and former WYE3 site for a mix of uses and setting out a number of relevant considerations. It is not expressed as a restrictive policy that requires strict adherence with criteria or that development should only be permitted if it accords rigidly with each of the other policy elements. It contains flexibility, it looks to the Masterplan process to further interpret the policy at a detailed level and the overall policy is also subject to viability considerations.

1.31 I would elaborate as follows in relation to the matters raised by Mr Goodwin and Miss Westphal, arranged in the order set out in the specific parts of WNP11 and in the context of the delivery of each phase as summarised in Figure 2 above:

a) the development of Wye School as an early phase of development for some 600 students on land leased from the Appellants and the separate development of university accommodation at Withersdane clearly meets the requirement as a C2 residential educational institution. This has been delivered and this part of the policy is therefore complied with;

b) Business space is proposed within part of the former college buildings to the west of Olantigh Road, as identified in the Masterplan, as a subsequent phase outside of these Appeals. This may include small business space depending on occupier and market appraisal. This is proposed to be delivered as a following phase from these Appeals and this part of the policy will therefore, be complied with;

c) the retention of commercial space on the southern side of Occupation Road as shown in my Figure 4. This has already been delivered and hence this part of the policy is complied with;

d) the letting of horticultural space on land south of Occupation Road as shown in Figure 4 meets the requirement to retain horticultural space. This has already been delivered and this part of the policy has also been complied with. Further development of this space in future subject to commercial requirements, would also be possible under the terms of the

policy;

e) the primary purpose of this part of the policy is the positive re-use of the listed college buildings and it proposes to do this through a mix of community, residential and business uses. It also requires new pedestrian and vehicular access and notes small scale B1 use, live/work units and residential change of use 'would be supported' to encourage a community hub. The Masterplan was developed under the terms of WNP6 and WNP11 and identified two key locations for the development of a business hub, west of Olantigh Road and South of Occupation Road. Appeal A provides for the fundamental objective of the restoration and reuse of these buildings and proposes a mix of both residential and community use in the form of the enlarged Heritage Centre and community access to key buildings. While the proposals do not include live/work or small business units or business use within the listed buildings, this is not a requirement of the policy, it encourages such use but they are not necessary. The Appeal proposals comply with the fundamental purpose of this part of the policy;

f) Withersdane is now permitted for use by a private university in class C2, is currently being delivered and hence this part of the policy is complied with;

g) this requires the redevelopment of areas of land not used for business and education for approximately 50 residential dwellings. The Occupation Road and ADAS sites are the key areas not identified for other use in the Masterplan and their development for residential use accords with the criteria. The policy is not prescriptive as to the number of new dwellings, part g) expressing this in approximate terms. Importantly, it is not expressed as a cap. Indeed tables 5.1 and 5.2 of the Neighbourhood Plan clearly state redevelopment, changes of use and WYE3 figures to be indicative and approximate. Paragraphs 110 and 112 of the Examiner's report makes clear that there is no basis for this to be treated as a cap. It is also important to note this applies only to the redevelopment of areas not used for other uses and excludes the conversion of the listed college buildings. Appeals B and C propose 60 dwellings and are therefore, consistent with the broad provision assumed in part g).

h) this requires the reuse of the former ADAS site with regard to the concept of a walkable village. The principle of residential use is accepted, the only issue between ABC and the Appellant is whether this should be for 15 dwellings or 20 and the resulting designs. Appeal C proposals constitute an appropriate reuse of the ADAS site and is consistent with a walkable village. Page 28 of the Masterplan pays particular regard to the walkable village and shows that it is located within 800m of the key village services, including Wye School, Church and shops. It shows that this complies with the relevant standards in the Manual for Streets.

i) this part requires consideration of innovation in materials and design but also requires

development to avoid reflective materials that would not limit its impact on the AONB. It requires connection to appropriate drainage. In each of the appeals the detailed design of the buildings is appropriate to the village setting and has taken account of local materials palette;

j) this requires appropriate landscaping consistent with the setting in the AONB. The Appeals use native landscape planning and have been designed with landscape assessment to ensure the proposals remove discordant landscape elements and deliver native planting that enhances the character and appearance of each site;

k) this requires appropriate s106 contributions to local infrastructure to the degree necessary to support each development. This is an agreed matter and is secured through s106 undertakings in respect of each of the Appeals.

1.32 It has also been suggested in evidence that there has been a decline in community space available locally including the proposed closure of the Wye Methodist Church and this increases the need for community space in the Latin School as part of Appeal A. While this is not accepted, it is relevant that the development of Wye School has led to additional, modern facilities being available to the community that are now being used to host community meetings and other events. Similarly, this is likely to be the case with Withersdane as a university, especially outside of the main academic year. Additional facilities have also been provided by WHPC at the Village Hall, which has four community venues capable of hosting up to 180 people, 100 people, 35 people and 10 people respectively in addition to MUGA and sports facilities. While it is not known what will happen with the Methodist Church, as an existing community use it may be that this is offered for sale and under the terms of policy COM1 it may be retained as a community asset if there is sufficient demand. In addition to the proposals set out within Appeal A, it is not concluded therefore, that this amounts to any specific need for the retention of the Latin School for other community use.

1.33 Mr Goodwin in his evidence on Appeal A, raises a question in relation to the marketing of the former college site and implies that further marketing is needed. This is not a matter we consider relevant to Appeal A. This was a requirement of the former policy WYE3 of the TRSDPD which is no longer extant and formed part of the old and now superceded development plan. The requirement for a marketing exercise was set out within that former policy in order to determine whether there was an educational use for the college in light of its impending and subsequent closure by Imperial College.

1.34 There is no requirement for further or ongoing marketing in any of the parts of policy WNP6 or WNP11. Indeed the WNP takes as its starting point the need for mixed use development as set out in WNP6 and WNP11 to replace the loss of the college as discussed elsewhere in my evidence.

- 1.35 The WNP was prepared on the basis that the former college use had ceased in 2009 and that a policy compliant marketing exercise had been undertaken.
- 1.36 The marketing exercise undertaken by Savills was thorough and comprehensive and went through several phases. It included educational and business use. It was audited by independent property agents CBRE on behalf of ABC. This is not a matter raised by ABC.
- 1.37 Indeed that marketing exercise is referenced in the committee report for the planning application in Appeal A (CDXX) at paragraph 57 which concludes that:

"In April 2012, Ashford Borough Council confirmed in writing to the then owners Imperial College, London that the agreed Marketing Strategy and its appendices and the final Marketing Strategy Conclusions Report was an acceptable conclusion of the active and comprehensive marketing of the site for educational and related research by Savills, and that this satisfied the requirements of Policy WYE3. (See annex 2).

I am satisfied this marketing evidence meets the requirement of Wye 3 in TRSDPD and the Neighbourhood Plan and that interest in developing the site for educational uses is of limited commercial interest and that housing with community use is a more realistic proposal."

- 1.38 As noted previously in my evidence however, there are now two educational uses within the WNP6 area (former WYE3 site) including the Wye School and Withersdane. There are no other viable educational proposals identified or before the inquiry.

Conclusion

- 1.39 In light of the above considerations and my earlier evidence, I would conclude that the Appeal proposals accord with the development plan and that the issues raised by WHPC and ABC identified above present no material constraint to permission being granted.



Recommendation Sheet Application Number: 19/00910/AS

Location: Withersdane Hall, Coldharbour Lane, Wye, Ashford, TN25 5DA
Proposal: Variation of condition 1 on planning permission 14/00765/AS to remove reference to clinic use and allow educational use

Decision Level: **DEL** Decision Code: **PERM** Date cleared by officer: **16/01/2020**
(a) - (b) Parish Council/R (c) KHS/X

RECOMMENDATION

Permit

Conditions on grant

- 1 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) the premises as shown on the approved plan shall only be used in connection with the wider educational use of the Withersdane Hall and shall not be used for any other purposes including purposes within C2 of the Town and Country Planning (Use Classes) Order 1987.

Reason: To control any future uses of the site and their traffic generation in the interests of highway safety.

- 2 The area identified as parking on the approved plan number LW/2114-A3-WHP09 shall be retained for the use of the occupiers of, and visitors to, the approved C2 use of the site under condition 01, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

- 3 Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and promote sustainable modes of transport.

- 4 The number of students accommodated on the site area outlined in blue on drawing number LW/2114-A4-PL01 shall not exceed 250 at any time.

Reason: In the interests of highway safety in accordance with policy WNP11.

Notes

- 1 **Working with the Applicant**

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the application was acceptable as submitted and no further assistance was required.

The application was dealt with/approved without delay.

2 It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Plans/Documents approved

LW/2114-A3-WHG01 WITHERSDANE HALL GROUND FLOOR - received 13/11/2019
LW/2114-A3-WHP09 WITHERSDANE HALL - received 13/11/2019
LW/2114-A4-PL01 WITHERSDANE HALL LOCATION PLAN - received 24/06/2019
LW/2114-A4-PL01 DUNSTAN SKILBECK HALL LOCATION PLAN - received 24/06/2019

	AGREED
SPO	RB 16/1/20.
JDCM	

Officer's Assessment Sheet

Policy Monitoring NOT Required

Application Number:19/00910/AS

Stat. Class: MINW

Application Date: 21 June 2019
Registration Date: 21 June 2019

Case Officer: Rob Bewick
8/13 week Date: 16 August 2019

Applicant: Universita degli studi Niccolo Cusano Via Don Carlo Gnocchi n3 00166 Roma

Correspondent: Nicholas Taylor + Associates 46 James Street London W1U 1EZ

Location: Withersdane Hall, Coldharbour Lane, Wye, Ashford, TN25 5DA

Proposal: Variation of condition 1 on planning permission 14/00765/AS to remove reference to clinic use and allow educational use

MATERIAL CONSIDERATIONS (Case Officer to complete)

Ashford Local Plan 2030	SP1 TRA3b TRA6 TRA7
Wye Neighbourhood Plan	WNP3 WNP4 WNP11
Government Guidance	NPPF NPPG
SPG/SPD/VDS/Neighbourhood Plans	Wye VDS
Other	-

SAFEGUARDING

Conservation Area	Not in a conservation area
Listed Building	Not a listed Building

ENVIRONMENTAL IMPACT ASSESSMENT

Is an E/A required?	Reason for Decision:
YES/NO	Not Schedule 2 Development
Is formal screening opinion required? Y/N	
Has screening opinion been issued? Y/N	

ASSESSMENT (See site visit notes)

Site and Surroundings

The application is one of three which have been submitted and relate to the wider Withersdane Hall complex of buildings which was formerly Wye College and more recently Withersdane Limited, who used the site for residential rehabilitation for those suffering from a variety of addiction and other related disorders. This use has now ceased. This application relates to one of the halls of residence on the site. The site is outside of the built confines of the village of Wye. There are several TPO (both specific trees and areas) within the site boundaries. The site is set back from the road and well screened. The site is within the North Downs AONB.

Proposal

Section 73 application which seeks to vary condition 1 on planning approval 14/00765/AS

which states:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) the premises as shown on the approved plan shall only be used as a clinic and shall not be used for any other purposes including purposes within C2 of the Town and Country Planning (Use Classes) Order 1987, without the prior and written consent of the Local Planning Authority.

Reason: *To control any future uses of the site and their traffic generation in the interests of highway safety.*

The applicant wishes for the condition to be removed entirely. The scheme therefore would allow for an uncontrolled C2 use of the site.

Relevant History

DC	FA	91/00248/AS	Erecting hall of residence for 36 students	PERM	23/04/1991
DC	REM	14/00765/AS	Removal of condition 04 from approved ref 91/00248/AS	PERM	08/09/2014

The above applications relate to the erection of the application building and the most recent application which sought to vary the condition relating to its use solely for Wye College to enable its use as a clinic. The latter of these two above permissions is relevant to this current application as outlined in the proposal section.

DC	REM	19/00909/AS	Variation of condition 1 on planning permission 14/00763/AS to remove reference to clinic use and allow educational use	DEL	
DC	REM	19/00911/AS	Variation of condition 1 on planning permission 14/00766/AS to remove reference to clinic use and allow educational use	DEL	

The two above applications seek to replicate the same removal of condition on two further buildings which were also part of the clinic use of the site.

DC	REM	14/00763/AS	Removal of condition 04 from approved ref 84/00608/AS	PERM	08/09/2014
DC	REM	14/00766/AS	Removal of condition 06 on approved ref 92/00770/AS	PERM	08/09/2014
DC	REM	19/00909/AS	Variation of condition 1 on planning permission 14/00763/AS to remove reference to clinic use and allow educational use	DEL	
DC	REM	19/00911/AS	Variation of condition 1 on planning permission 14/00766/AS to remove reference to clinic use and allow educational use	DEL	

Representations

Ward Member

HAS WARD MEMBER REQUESTED APPLICATION GO TO COMMITTEE ? **NO**

Parish Council - consulted; object on the following ground:

- Premature given draft WYE3 Masterplan [**Officer comment:** Withersdane does not form part of the Masterplan]
- Unclear regarding student numbers, traffic plans and impacts [**Officer comment:** additional information was submitted during the course of the application]
- Reliance on extant C2 use assumptions for Withersdane Hall site, duplicating allocations set out in Draft WYE3 Masterplan
- Disregards other significant recent developments in Wye
- Unsupported by evidence or mitigation measures
- Disregards and inconsistent with TRA7, TRA8 and WNP3 and WNP11(f)
- The C2 use was previously a satellite campus of the college providing undergraduate study rooms without the necessary infrastructure to be a self-contained campus [**Officer comment:** this is not a ground for refusal]

Neighbours - 13 neighbours consulted and site notice posted; no representations received

Highways and Transportation - consulted; initial concerns raised regarding existing vehicle and cycle parking on site, additional information provided and no objection raised with the following made:

- 125 parking spaces exceeds the requirement for a C2 use
- Further information required by condition relating to bicycle storage prior to use commencing
- Facilities would be provided on site for students to be educated, live and eat.
- TRICs report provides further evidence that proposed use will result in far fewer traffic movements as an educational residential establishment than a residential rehabilitation clinic.

Government Guidance/Development Plan Policy/SPG/Other

The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).

For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

Government Guidance

NPPF
NPPG

DP Policy

See the policy sheet for relevant policies.

Village/Parish Design Statements / Neighbourhood Plans

See policy sheet for relevant policies.

Assessment

Policy WNP4 outlines that proposals for business development to replace jobs lost through the closure of Wye College, particularly in education, amongst other uses would be supported provided they conform with other policies in the plan. Policy WNP11 outlines that the former Imperial College London campus at Wye outlines the same list of uses for the wider WYE3 site (formerly part of the now superseded development plan document TRSDPD) but specifically refers under criterion f) to the retention of the Withersdane site for institutional, residential (C2) use, subject to traffic generation being compatible with the highway constraints of Scotton Street and upgrading of footpath links between the site and village to ensure mobility scooter access.

Both the existing lawful use of the site and the proposed use fall within a C2 use and as such planning permission would not ordinarily be required. However, the use of three of the buildings on the site when originally approved, were controlled a condition which restricted the use to C2 educational use. The conditions were imposed because of the specific needs of the previous occupiers (Wye College) and concern that any future occupier might be a more intensive use and be implications for highway safety.

The conditions were amended under previous S73 applications to which these applications relate to control the use to a C2 use in connection with a rehabilitation clinic. This use has now also ceased and the application site remains vacant.

The proposed use as a University with on-site residential accommodation would be in line with that original use of the site and buildings and would not intensify the use of the site.

The use would satisfy the Wye Neighbourhood Plan which seeks the re-use of former Wye College buildings for uses which would generate employment (WNP4) including for educational uses once again. Given this, whilst it is noted this is a foreign University with the majority of students travelling and arriving on public transport, it would be beneficial to control, through condition, this use. A more intensive C2 use could result in an increase in vehicular movements to and from the site. Moreover, a condition to retain parking on site, which would avoid the potential for insufficient on-site parking seems pertinent that such a condition is imposed to prevent there being parking on the public highway which could have an adverse impact on other road users.

WNP11 states that Withersdane should be retained for institutional, residential (C2) use, subject to traffic generation being compatible with highway constraints on Scotton Street and the upgrading of the footpath links between the site and the village to ensure mobility scooter access.

Whilst the proposal is considered not to generate additional traffic movements, based on the information submitted and the view of the Highway Authority, the proposal would fail to provide an upgrading of the footpath link between the village and the site to ensure mobility scooter access. It is noted, however, that at present there is a footpath which provides level and street lit access opposite the site down into the village.

Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

It is not considered, on the basis of the proposed use, that the development would necessitate financial contributions towards such off-site infrastructure improvements.

Given that there is no physical alterations proposed, other than for repairs to enable it to be

brought back into use, I am satisfied that there would be no visual harm.

There is a net benefit, as a result of bringing the site back into active use, which is welcomed. This would have a knock on effect for local businesses within the village and the local economy more widely.

In light of the above, subject to conditions restricting the use as a residential institution and retention of on-site parking for the benefit of students and staff, there would be no reason to refuse the application.

Working with the applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

Conclusion


Given the previous use of the site, a condition which continues to restrict the use of the site as a residential institution, which includes the use of the site as a university, would be appropriate to ensure this does not result in a more intensive use of the site. The proposed use of the site for this purpose, given the previous use and the wider benefits of bringing it back into use would comply with the policies set out in the Local Plan and the NPPF. I therefore recommend planning permission is granted.

Human Rights

I have also taken into account the human rights issues relevant to this application. In my view the "Assessment" section above and the Recommendation below represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) and the wider public interest.

Dated:

16th January 2020.

Signed

Case Officer

Application Number	16/01548/AS
Location	Wye School, Kempe Centre, Olantigh Road, Wye, Ashford, TN25 5EJ
Grid Reference	05666/47023
Parish Council	Wye and Hinxhill
Ward	Wye
Application Description	Phases 2 and 3 of the proposed Wye school expansion comprising permanent use of the Kempe Centre for school use; refurbishment of the Kempe Centre to include new sixth form accommodation and minor alterations to the external appearance of the building to reflect internal reconfiguration; retention of the two existing temporary classroom cabins until the end of the 2018/2019 academic year; demolition of existing structures and some trees; erection of a new building comprising the main hall, 4 court sports hall and new teaching accommodation; new coach, car and cycle parking provision; new soft and hard landscaping; off-site highway works on Olantigh Road and other associated works.
Applicant	United Learning Trust
Agent	Miss A Schembri, RPS Planning and Development Ltd, 140 London Wall, London EC2Y 5DN
Site Area	0.91 ha

- | | | |
|-----------|-------|---|
| (a) 35/5R | (b) R | (c) KCC (H&T) R
KCC (Heritage) –
KCC (Biodiversity) -
EH (EP) –
PO (Drainage) – |
|-----------|-------|---|

Amended plans:

- | | | |
|-----------|-------|---|
| (a) 35/2R | (b) R | (c) KCC (H&T) –
Kent Downs AONB unit - X |
|-----------|-------|---|

2nd Amended plans (Post design review):

- | | | |
|-----------|-------------|------------------------------|
| (a) 35/2R | (b) awaited | (c) Kent Downs AONB Unit - X |
|-----------|-------------|------------------------------|

Introduction

1. As a major planning application, this proposal was reported to the May Planning Committee where it was deferred for a period of three months to allow further work to be carried out on the Wye 3 Masterplan and to allow a design review of the proposals to take place.
2. A second masterplanning workshop was held on 16th May 2017 to build on the first workshop that took place in January 2017. An all-day Public Exhibition was held on 24th May 2017 to collect views on the progress that has been made to date on the Masterplan's development. Following the exhibition, a meeting of the Masterplan Steering Group was held on 13th June 2107 to discuss next steps towards adoption of the Masterplan, which is expected to go out to formal consultation in September 2017 and be adopted before the end of the year as SPD.
3. The Ashford Design Panel met on 15th June 2017 to review the proposals. They supported the general principles and overall design approach to the new building and its setting but felt there was scope for improvements that would benefit users and visitors and offer better value for money. Their comments are set out in the report below.
4. The applicants have amended the scheme to take on board the suggestions of the Design Panel. These amended plans have been subject to further reconsultation.

Site and Surroundings

5. The site is located on the north eastern edge of the village of Wye within the Kent Downs Area of Outstanding Natural Beauty. It forms the greater part of the Wye school site (excluding the playing field) together with a section of public highway (Olantigh Road) at the corner of the site with Occupation Road. It comprises the main school building (Kempe Centre) on the street frontages with two temporary classroom cabins to the rear. The remainder of the site is mostly hardstanding (playground; outdoor sports courts; access drive and parking areas) with planting confined to boundaries and formal planting within the hard areas.
6. The Kempe Centre and most of the adjoining land / buildings to the west and east of the site form part of the former Wye College complex of buildings. Immediately to the north of the site is an area of woodland, the Arboretum, which has recently been protected by a group Tree Preservation Order and beyond that the ADAS site (also part of the former Wye College). To the north-west of the site, on the opposite side of Olantigh Road are three detached residential units. Residential development also lies to the south of the site on the opposite side of Occupation Road.

7. A site location plan is shown in Figure 1 below.



Figure 1: Site Location Plan

Proposal

8. The proposal is a full application. The application is for the second and third phases of the expansion of Wye School. (The first phase, approved 2016, was for a multi-purpose games area (MUGA), soft play area and new entrance square - site preparation is underway.
9. This application comprises:
- the permanent use of the Kempe Centre for school use
 - the refurbishment of the Kempe Centre to include new sixth form accommodation
 - minor alterations to the external appearance of the building to reflect internal reconfiguration

- retention of the two existing temporary classroom cabins until the end of the 2018/2019 academic year;
- demolition of existing structures and some trees;
- erection of a new building comprising the main hall, 4 court sports hall and new teaching accommodation;
- new coach, car and cycle parking provision;
- new soft and hard landscaping;
- off-site highway works on Olantigh Road and other associated works.
- new car and coach park

Following a design review of the proposals by the Ashford Design Panel on 15th June 2017, the proposals have been amended to include:

- Improved entrance sequence into the new building including gathering space adjacent to main hall;
- Reduction in length of internal corridors to all floors (arising from internal layout changes and shortening of building) including relocation of southern stair;
- Incorporation of internal glazing to enhance views into teaching spaces and enable views into the sports hall from the circulation space;
- Additional external windows to second floor corridor to provide more natural light;
- Reduction in length of teaching block by 9.43m (this involves making the building deeper but no change in floor area);
- Relocation of PVCs to roof of hall building;
- Improved landscaping within courtyard area;
- Softening and greening of parking area;
- Provision of dense tree belt along eastern boundary of MUGA and parking area.

10. The proposed new building would be located to the north of the Kempe Centre and classroom cabins on what is currently a sports court. It would

have a contemporary form and design with two building elements, both with a flat roof: a two storey element (the sports hall) adjacent to Olantigh Road with dimensions 48m (length) x 20 m (depth) x 8.4m (height) and a three storey classroom element addressing the sports field to the east of dimensions 53m (length) x 10m (depth) x 11 m (height). Two plans are shown at Figure 2 below; the first showing the amended layout (post design review) and the second showing the previous layout (considered at the May planning committee) so the changes can be discerned.

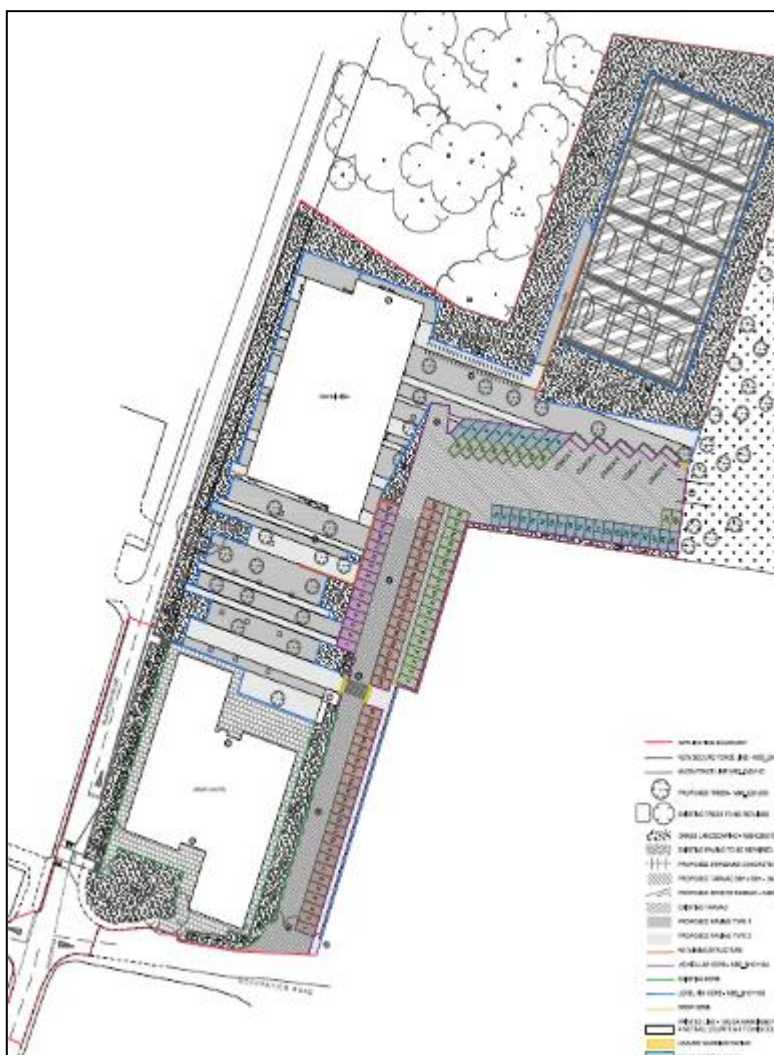


Figure 2a: Proposed Site layout (post design review)

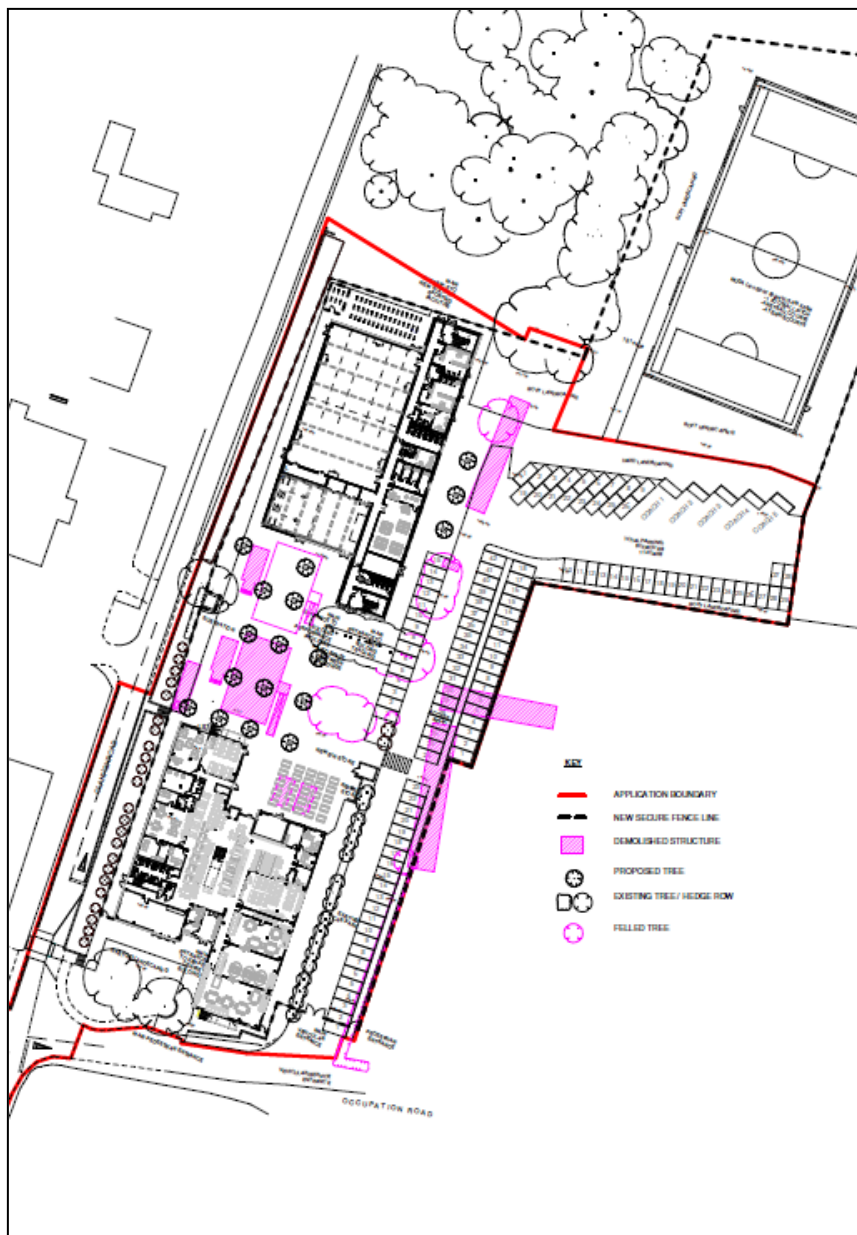


Figure 2b: Layout considered at May planning committee

11. The sports hall element would be of timber cladding, the vertical timber spacing varying across panels. The classroom element would be of two colours of brick with windows arranged in vertical strips with panelling between floors. Selected plans and elevations of the proposed building are shown in Figures 3, 4 and 5 below. These include ground floor layout plans of the building now proposed (post design review) and the building that was considered at May planning committee. It can be seen that the internal layout now provides a grander entrance and lobby as encouraged by the Design Review panel.

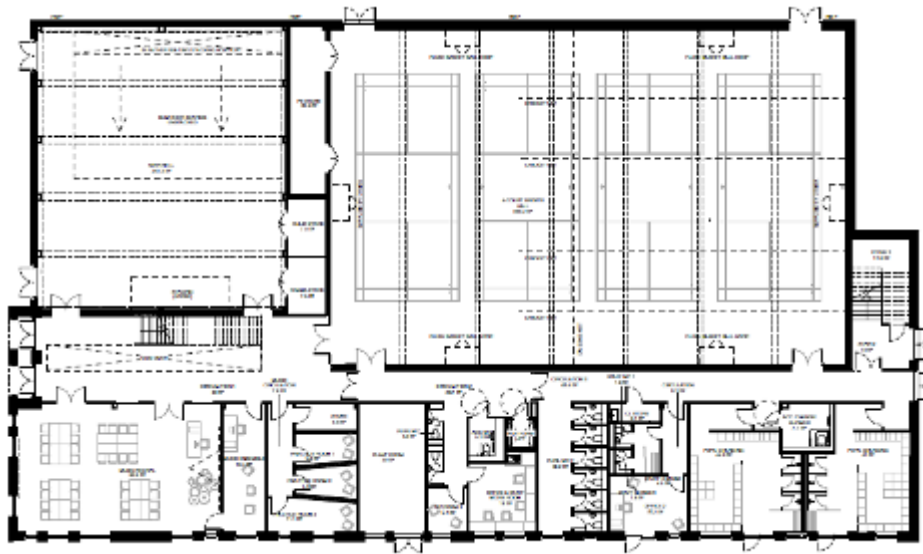


Figure 3a: Proposed ground floor layout (post design review)

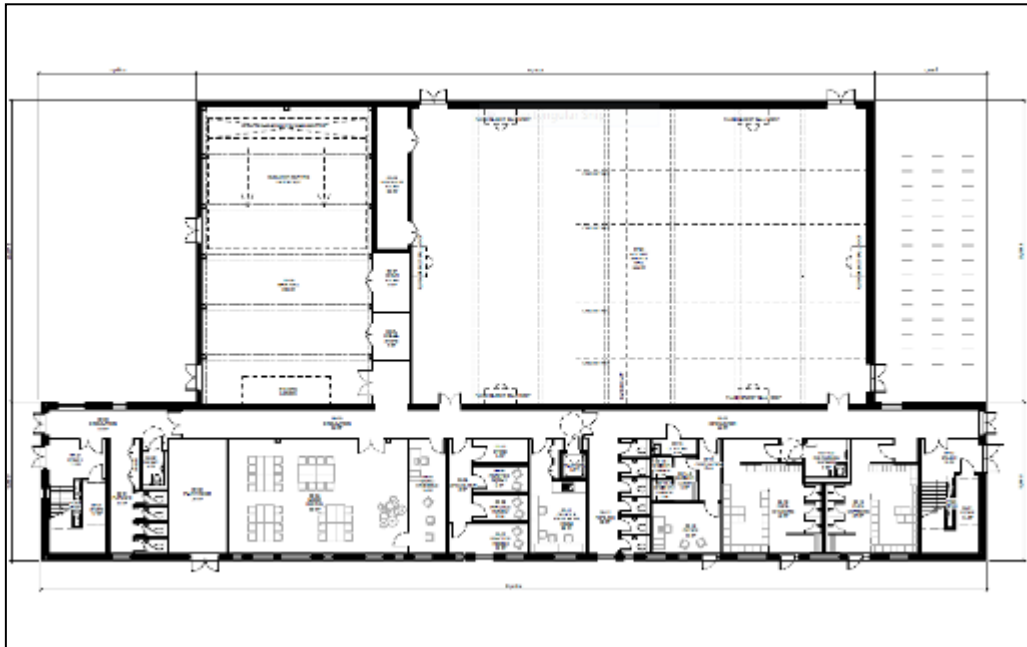


Figure 3b: Layout considered at May planning committee

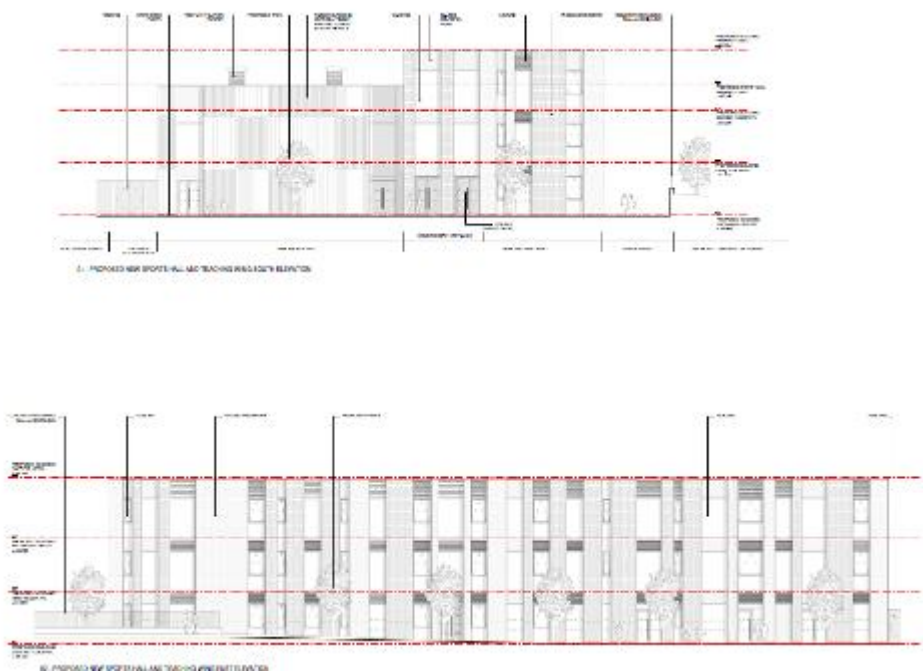


Figure 4: Proposed south (top image) and east elevations

The proposed new car/coach park would provide 57 staff spaces (28 spaces tandem and 29 standard staff spaces) and 5 coach parking spaces on a tarmacked area at the eastern end of the site. Many of the car parking spaces would be arranged in tandem due to space constraints. Turning for both cars and coaches is proposed on site. A parking layout plan is shown in figure 5 below:



Figure 5: proposed parking layout

12. Since the application was first submitted, the site boundary has been extended to take in a short section of Olantigh Road to the west for the inclusion of traffic calming measures within this street. A revised parking and coach parking layout has also been provided to take on board comments made by KCC Highways and Transportation. A Visual Impact Assessment has also been submitted in support of the application.
13. The proposed traffic calming measures are shown in Figure 6 below:

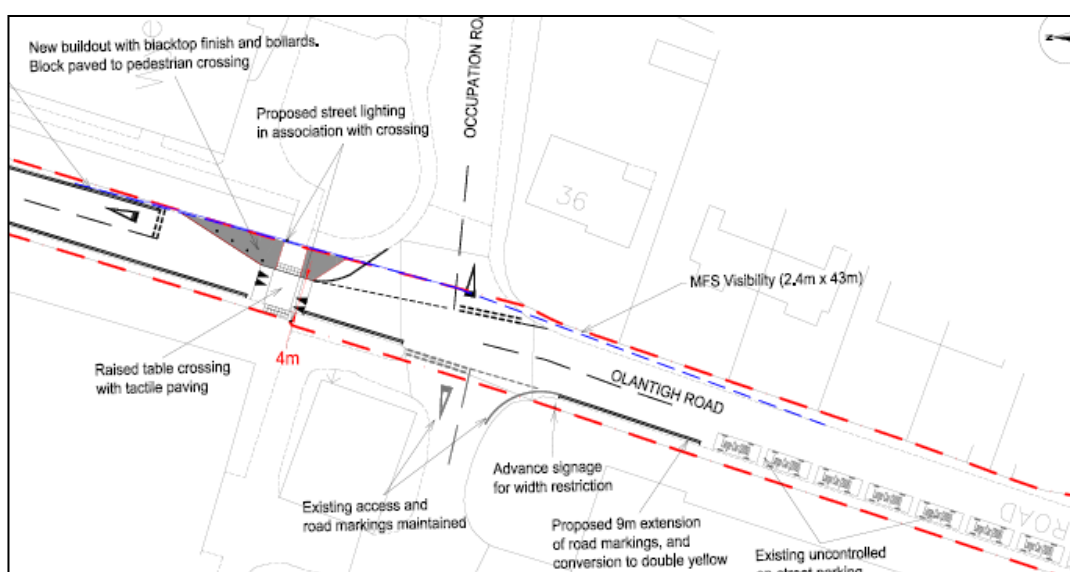


Figure 6: Proposed traffic calming

14. In support of the application the following have been submitted:
15. Design and Access Statement, Architecture Initiative, August 2016 Provides background information setting out the strategy for the school site and showing this development in its context. An addendum report has been prepared post design review to reflect the latest changes to the scheme which includes the introduction of a render to the north and west elevations and more window openings
16. Planning Statement, RPS, August 2016 considers the extent to which the scheme accords with relevant planning policies stressing the fact that the school's expansion is needed and highlights the community benefits of this proposal.
17. Pre-development Arboricultural Survey, Middlemarch Environmental, June 2016 The site contains a number of early mature and mature trees which are predominantly in a good condition. Also within the study area, are a number of trees and tree groups which are deemed to be notable trees within the landscape with high Category A retention value. These include a pair of

Copper Beech; a mixed species group and two areas of woodland along the northern boundary.

18. Arboricultural Impact Assessment, Middlemarch Environmental, July 2016
The proposed development has been designed so that major works do not fall within the RPAs of retained trees. However, the installation of a boundary fence and removal of hard surfacing will require some works within RPAs including some access facilitation pruning works. A total of 11 category 'U' and 'C1' trees, mostly silver birch are identified for removal together with two tree groups, one category 'B', the other 'B3'. The mixed species category 'B' group is to be part removed back to the boundary due to encroaching vegetation and the B3 group is to be removed to provide construction access into the site.
19. Ecology Report, Greenlink Ecology Ltd, 28th July 2016 Survey work has identified the need for mitigation measures for bats and breeding birds as a precautionary approach. It also identifies various ecological enhancements to improve the biodiversity of the site.

Letter from Greenlink Ecology Ltd, dated 11.10.16 provides details in regards to the reptile mitigation methodology to address concerns raised by KCC Biodiversity. It includes identification of a receptor site.

20. Transport Statement, RPS The results from the school travel surveys demonstrate that the school has a significant number of staff and pupils travelling by sustainable modes of transport at over 89% using bus, rail or walking. Approximately 11% travel by car. The phase 2/3 proposal would deliver an additional 51 cycle parking spaces (there are currently 35 spaces).

The proposed on-site coach parking will facilitate drop off and pick up within the school site, where it currently takes place.

21. Addendum to Transport Statement confirms that there is no change to the overall conclusion of the original statement that the development proposals provide a safe means of access to the site and would not have a severe residual impact on the operation of the local highway or transport networks. Indeed, the changes represent a betterment of the original proposals.
22. Travel Plan 2016/17 aims to instil positive habits whilst the school is expanding by promoting sustainable transport. It has a longer school day (opens 7:30 with after school activities until 17:30) to allow parents the chance to work normal hours. A dedicated bus service is provided by Poynter's Coaches for students travelling from the Ashford direction. There will be four school buses for the 2016/17 academic year, each carrying around 60 students. Stagecoach runs a service from the Canterbury direction which is used by some students. Regular travel surveys are carried out and reviews of

the travel plan. Parents and students are provided with a Travel Information Pack and car sharing is encouraged.

23. Historic Environment Desk Based Assessment, Archaeology South East identifies a moderate/high potential impact for archaeological remains to be present acknowledging that past development is likely to have had a significant localised impact. It recommends further archaeological investigation and trial trenching.
24. Geo-environmental Assessment recommends further gas monitoring at the site.
25. BREEAM Pre-Assessment
26. Services and Environmental Strategy and Renewable Energy Statement concludes that the most practical and cost effective solution for achieving a 10% reduction in Carbon is the implementation of PVs at roof level.
27. Wye School Visual Impact Assessment (March 2017) which shows there are only a few instances from where the newly proposed hall and teaching block will be seen from listed buildings and that these views are not harmful due mainly to the distances involved and intervening built form.
28. Letter from RPS, planning consultants for the application, to Cllr Burgess

This letter raises the following additional points in support of the scheme:

- Securing planning permission for this much needed project is vitally important to the school and its proposals for continued growth, its pupils and to the village of Wye itself.
- A positive determination of this application will represent the culmination of 6 years work on the part of UTL and the Education and Skills Funding Agency who are promoting the growth of Wye School on a phased basis. Throughout the whole process, ULT have fully engaged with Wye Parish Council, ABC education and planning officers, the local community and the school community to develop the best solution for all stakeholders involved.
- The principle of locating a new sports hall development on land to the north of the Kempe Centre is long established by the planning history associated with this site with three outline applications for a sports hall on this part of the site (Ref: 93/00357/AS; 96/01009/AS; 99/01284/AS). It was never the intention for the Kempe Centre to stand alone along Olantigh Road. This planning history is material to the determination of the current planning permission.

- The school is oversubscribed and there is a huge demand for new school places. There is an urgent need for the proposed development with expected growth over the next 4 years as follows:

Academic year	No of pupils expected
2015/16	270
2016/17	360
2017/18	450
2018/19	450 (plus 75 sixth form)
2019/20	450 (plus 150 sixth form)

- The school is suffering from a severe shortage of space with many students forced to work in temporary accommodation. The teaching environment at the school is becoming difficult and the need for new teaching accommodation is more urgent than ever.
- The Government Policy Statement 'Planning for Schools Development' (August 2011) sets out the government's firm commitment to ensuring sufficient provision to meet the growing demand for state funded school places. This is endorsed by the NPPF (as outlined in the main body of the committee report).
- The proposed development accords fully with the Wye Neighbourhood Plan
- The proposed development does not represent overdevelopment – The compact design represents the most efficient use of a brown field site. From an operational perspective the proposal works efficiently for the school. Pupils will not be required to cross roads and natural surveillance will be maximised as all pupils will be concentrated into one area. Pupil and staff travel times are minimised across the site.
- The proposed development would not be harmful to the Kent Downs AONB and the applicants have agreed to accept the condition identified in the officer report for additional native planting.

- There is significant support for the proposed development – there have been few objections since the proposal was first submitted in October 2016.
- There are significant community benefits associated with the proposed development – the new hall building would be available for community use outside of school hours

Planning History

93/00357/AS – Outline planning permission for new sports hall. Approved.

96/01009/AS – Outline planning application for new sports hall. Approved.

99/01244/AS – Outline planning application for new sports hall. Approved.

15/00754/AS Temporary permission for the siting of 2 no. two storey and 2 no. single storey modular buildings in association with school and additional hardstanding until the end of the 2017/18 academic year to allow for the Wye Free School's expansion to 450 pupils and 43.5 staff. (The decision allowed temporary use of the Kempe Centre as a school until 31st July 2017). Approved June 2015

15/00598/AS - Variation of Condition 5 on application 13/00521/AS to extend the use of the building as a Free School until 31st July 2017. Approved April 2015

13/00521/AS - Removal of Condition 4 on planning permission 94/0472/AS to allow use of the Learning Resource Centre as a Free School. Approved July 2013

94/0472/AS New two storey learning resource centre and parking for 155 cars. Approved June 1994

16/01226/AS Demolition of existing outbuildings and removal of trees; resurfacing of the existing vehicular access road off Occupation Road; creation of a new Multi-Purpose Games Area (MUGA) and soft play (grassed) area; creation of a new entrance square plus site levelling, new lighting fixtures and associated works.

16/01226/AMND/AS Revision to application 16/01226/AS for the Phase 1 of the proposed Wye School expansion comprising demolition of existing outbuildings and removal of trees; resurfacing of the existing vehicular access off Occupation Road; creation of new MUGA and soft play area; creation of a new entrance square plus site levelling, new lighting fixtures, repairs to existing gates and fences and associated works. This application involves the slight shifting of the position of the MUGA within the site. APPROVED 9/5/2015

17/00552/AS Removal of condition 5 of planning approval 15/00598/AS to extend the use of the building as a free school until 31st July 2017 APPROVED 4/7/2017

Consultations

First Consultation

Ward Members: The ward member is a member of the planning committee. No formal comments have been received.

Historic England recommends that the application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice

KCC Highways and Transportation recommends refusal on the following highway grounds:

- Insufficient off site highway works to mitigate traffic and safety impacts of the development
- Insufficient on site car parking (for sixth formers who may choose to drive to school)

It also highlights the need for improved footway provision on the western side of Olantigh Road.

KCC Heritage No objection subject to conditions

KCC Biodiversity No objections subject to conditions

KCC Public Protection raises no objections noting that whilst a bridleway passes adjacent to the proposed site (AE109) the expansion works are unlikely to have an impact

Environmental Protection No objection subject to a condition regarding the need for gas monitoring

Project Office Drainage No objection subject to a condition

Wye and Hinxhill Parish Council objects on the grounds that the application is premature. It urges the Borough Council to consider this application as part of the Wye 3 master planning process.

Neighbours: 35/5R

- The original proposal to convert the Edwardian buildings into a school bringing a vacant building back into use had merit; this does not and the Edwardian buildings are falling into a state of disrepair

- The wrong site for this use
- The site is too small to accommodate the scale of development proposed
- The height and scale of the building is inappropriate in this location – it looks like the sort of building you would find in an urban setting. If it were an office block or warehouse would it be allowed?
- There are no commercial buildings of this height in Wye and the construction will effectively appear higher than a three storey building setting a precedent for development across the rest of the WYE3 area. The parapet height is in excess of 1.5m above the eaves height of the Kempe Centre
- The site is on raised land – 1.8m above street level - so it will appear even higher
- The new building would be too close to Olantigh Road impacting upon the entrance into the village and the private dwellings opposite
- Negative impact on AONB
- There are a number of empty buildings in disrepair on the other side of the street which the school could occupy
- The plans for the school have gone way beyond the original proposal for a temporary school on the site
- Increased traffic as a result of the increase in pupil numbers, including sixth formers who may choose to drive to school. Existing traffic is already causing environmental damage
- Inadequate parking provision on site
- Difficulties of coaches accessing the site – there are existing problems which have been highlighted by a resident – Why not introduce walking buses so that coaches do not need do enter the site?
- Disruption to neighbours during construction
- The proposed development would bring to fruition a project that has been supported by both ABC and Wye PC and which is supported by local surveys
- The Wye School is oversubscribed and would benefit from additional buildings
- There is support for the school in the Neighbourhood Plan

- The proposed development would provide an attractive modern building - information submitted with the application demonstrates that it would not be dominant in views. It is suggested however that the building is turned through 45 degrees to reduce its impact
- The adaptation of the Kempe Centre for school use has happened without it losing its distinctive features
- It should only be approved on the basis that the Russell Laboratories are replaced with open space
- Consideration should be given to the impact of westward views

First Re-Consultation – additional comments

KCC Highways and Transportation raises no objections subject to conditions. raises stating that the applicant has now produced a revised parking layout which provides adequate numbers for the school staff, sixth form pupils and an area for parents to pick up and drop off pupils.

Tracking diagrams have been produced to show that the school coach access arrangements will work and an element of tandem parking for staff has been permitted on the basis that this is something the staff can manage amongst themselves.

Kent Downs AONB Unit: highlights the high level of protection accorded to AONBs, pointing out the need to assess the proposal against Policies SD2, SD8 and SD9 of the Kent Downs AONB Management Plan, which is a material consideration.

The AONB Unit has concerns that the scale of the proposed new building is inappropriate in this edge of village, rural setting. It is concerned particularly about the height and scale of the three storey teaching accommodation and would welcome consideration of ways of reducing the height and bulk of this, particularly in view of the modular nature of the accommodation which could be broken up, unlike the required sports space. While it is noted that the existing Kempe building incorporates a three storey element, three stories are considered out of context in the village where development is generally restricted to two stories. The height would be exacerbated due to the rising ground on which the site lies, and while it is noted that the three storey element is set back from the road behind the proposed sports hall, the scale would make the building more prominent in views from the east where the site is visible from a number of PROW and permissive paths within the wider countryside, including the North Downs Way.

The proposed use of vertical timber cladding on the sports hall is considered an appropriate contemporary approach that will help assimilate the building into its rural surroundings and help break up the mass of the building. The proposed use of a dark red multi stock is also considered appropriate and the use of a light coloured mortar to complement this is advocated. The extensive glazing on the eastern elevation is of concern; in order to reduce impact in views from the east it is imperative that non-reflective glazing is used on this elevation. Concern is also expressed that rooms will often be lit increasing the visibility of the building when viewed from the east. While the proposed use of aluminum curtain walling and louvres are not considered to aid local distinctiveness of this historic rural Kent Downs settlement, the proposed colour pallet of dark muted colours is considered appropriate.

Additional planting should be incorporated to help assimilate the building into its rural surroundings. In particular, there is considered to be scope for additional trees to be planted along the eastern boundary of the building and that trees which have the capacity to establish large crowns should be utilised to assist in filtering views of the development from the public rights of way to the east. In addition, it is noted that the proposed planting treatment for Olantigh Road is limited to grass. The frontage along Olantigh Road is generally hedged as you travel in a northerly direction from the school and it is considered important that this is maintained. The Unit would like to see either a mixed native species hedge planted along the road boundary, or if a more formal approach is required, a beech hedge. It would also like to see tree planting incorporated into the new car park area to assist in breaking up the expansive area of hardstanding, given the location of the site on the rural edge of the village along with the incorporation of structural landscaping along the eastern boundary of application site which would help filter views of the proposed car park and building.

It is essential to ensure that the character of the rural lane (Olantigh Road) is not eroded by the proposed alterations to the highway. The proposed treatment of the road build out will be crucial and the proposed black top finish with bollards is considered an inappropriate urban standardized solution. It would welcome the opportunity to consider a more sensitive solution appropriate to this rural location, along with a limitation on white lining and other road markings. Consideration should be given to using flint, setts or bound gravel for the build out and bollards, if a necessity, should be timber. The number of signs should be kept to a minimum and amalgamated and clustered with other street furniture. Appropriate surface treatment of the raised table is also required and we would support a restrained use of coloured surfacing (buff is generally more appropriate than red).

Environmental Protection - No further comment regarding amended plans

Wye and Hinxhill Parish Council - objects on the following grounds:

- The application is both piecemeal and premature in policy terms and should not be considered in advance of the WYE3 masterplan
- The proposal is contrary to Policy WNP11j of the adopted Wye Neighbourhood Plan which requires WYE3 to be considered as a whole and considers the overall redevelopment of the campus landholding
- As a major site in the heart of WYE3 it would result in profound and unresolved highway safety, road junction and traffic issues
- It would result in negative visual impacts from both the perspective of immediate neighbours and the AONB
- The combined impacts of the development would affect the function of Wye as a village and its appearance from a large area of the surrounding protected countryside
- Objects to the development of greenfield land for parking and school bus use when there is plenty of brownfield land in the village
- Concerns about highway safety, including a lack of speed calming measures and inadequate on-site parking provision. Considers that the amended design compounds safety issues as bus drivers will need to reverse into areas with desire lines. This will be compounded by inexperienced sixth form drivers within the area. The on-site access arrangements point to an overdevelopment of the site
- The proposal is contrary to Policies in the Kent Downs AONB Management Plan which seek to improve tranquillity, including dark skies at night
- The proposal is an overdevelopment of the height with a scale, massing and height inappropriate in this location. The scale is monolithic giving a vertical east elevation of some 750 sq m. (The applicants have clarified that it is 715 sq.m.)
- Why has the enlargement of the site not triggered a new application?
- The design is industrial using materials that are incongruous in the village eg. extensive areas of polyester powder coated aluminium panels and louvres. The spandrel glass is a particularly jarring element due to its highly reflective qualities which would draw attention to the building
- The application does not state how it accords with the Wye Village Design Statement

- There is a lack of capacity in the sewerage system – queries about whether the proposal meets building regulations
- The flat roof plan makes no mention of roofing materials or colours but mentions a 71 sq.m. PV array and MEP plant. These elements are likely to have a negative visual impact on the landscape.
- The proposal to dispose of all surface water from the roofs and into a soakaway is wasteful – rainwater harvesting is required
- There appears to be no provision for handling inevitable oil and fuel spills in the parking area

Neighbours: 35/2R

- The mitigation is not sufficient to address previous concerns
- All the changes are confusing
- The best site for this use is the ADAS site as identified at the workshop session

A further letter of objection was received before the May planning committee meeting raising the following issues:

The school application made me feel a bit like we were paying lip-service to a masterplan process that is being dictated by higher political powers and pressures, and I am unwilling to take more valuable time off work to do so. I may be wrong but the implications of the application being dealt with separately to the masterplan are significant in my mind, and although I have had time to reflect I still come to the same conclusions. These are perhaps better laid out as follows, and which I am happy for you to forward to the planning officer if you feel the points are justified:

- I do feel that the landscape and visual impacts have not been probably assessed and, given the sites AONB context and location along a National PROW route, with a major vantage point on the 'Crown', a full LVIA (in accordance with the GLVIA) should be requested. The problem now is we are in almost full leaf so winter impacts are difficult to assess. However my view is that although the existing Kemp Centre is a small element in the wider panoramic, its impact as an incongruous 3 storey architectural form is quite significant as a detractor in that view. The new building may make that base line condition worse and has therefore potentially a 'significant' impact which should be properly assessed.

- Further to this an approved 3 storey building is likely to create a precedent for 3 storey houses in the Wye 3 site which I have absolutely no doubt the developers will push for. We did a lot of urban analysis on Wye as part of the neighbourhood plan and historically 3 st buildings are only found in the centre along Church street. That with the tight-knit high density streetscape here and along Bridge Street, Upper Bridge Street, and the start of Scotton street and Oxenturn Road give Wye its unique identity, legibility, and 'sense of place'. Higher density development around Havillands erodes those important aspects of the village, and unless Wye 3 gives regard to the settlement pattern and its hierarchy, it will further erode those qualities in much the same way.
- In terms of general landscape design, this is given very little weight in the application despite of its importance as an edge of settlement location and in an AONB. The landscape plans have no 'meat' that is necessary to understand the character or quality of the scheme and whether it is in keeping with the AONB management plan or the village vernacular. Such an important consideration should not be conditioned (or an afterthought) but should be at the forefront of any development of this nature. For example, I understand that the sports pitches are to be surrounded by weld mesh fencing which is a significant area and will have a huge impact on the local character. I believe a Landscape Architect should be commissioned to provide full hard and soft landscape plans with proposals based on a response to the AONB and historic settlement. I would be happy to freely appraise and comment on any proposals that come forward to support the councils own views.
- In terms of urban design, the school is a key civic building and was highlighted by the expert urban design adjudicator at the last workshop as needing careful integration with the masterplan. Yes it is an educational use as desired by the neighbourhood plan and no one is disputing this, but Its design is currently dictated by a notional plot of land offered by a landlord without any regard to the wider masterplan. I fail to see how the layout with a mass of parking spaces in front of the buildings will end up being successfully integrated. I also fail to see, with the current main entrance arrangement and proposed engineered highway works, how this will have the presence and frontage required by an important civic building in creating a high quality urban environment.

As mentioned I have no desire to see the school fail (and hope that my own children will attend there) but whilst it is important to resolve this asap so that children do not have to learn in mobile classrooms longer than they need to, surely the greater importance is the legacy that a school such as this will leave on an important historic village and the importance of landscape and urban design qualities, and not just 'use' and 'architectural design' which appears to me to carry greatest weight in the current application (which by the

way I feel is very strong and clearly they have a very capable Architects who can create something equally wonderful if given a slightly different brief).

I clarify my position as a local Landscape Architect and urban designer who until recently lived and worked in Wye and was commissioned by the Parish Council for design work in relation to the neighbourhood plan. I am no longer working for the PC in this or any other respect and now live in Brook. My views are professional based and with a strong personal desire to ensure that any development in Wye is appropriate.

Ashford Design Panel - The design concept presented shows considerable promise, with many aspects well-resolved. The panel supports the general siting and orientation of the new building, but the way the building addresses its site edges would benefit from further refinement. The following points are raised under three separate headings:

Response to wider context

- Overheating for rooms on the western face of the building could be an issue;
- Better management of internal microclimate in relation to orientation and building positioning to ensure that building remains comfortable for users;
- Supports intention to restrict security fencing and retain boundary trees on Olantigh Road thereby reducing the buildings impact;
- Supports location of parking but cautions against applying standard calculations for parking standards with the sustainable location giving the design team confidence to challenge the usual standards for parking;
- Supports retention of landscaped edge to woodland suggesting that this should be brought into the interior of the site, extending the tree belt alongside the proposed sports pitch to act as a shelter belt and help filter long distance views

Layout and Public Realm

- Generally supportive of the siting of the new building recognising the practicalities of managing decanting and construction on such a constrained site which results in separating the new buildings from the existing;
- The resulting courtyard space is supported and could be a real asset with further attention to detailing and more active edges to the building - More activity within the building should be visible from this space;
- Movement between the buildings needs to be considered – a covered walkway linking the rear of the existing building to the entrance of the new one would help;

- Additional planting to open spaces is required - need for an overall strategy for landscape;
- Main entrance to existing school would also benefit from landscape and public realm improvements;
- Panel urges that the amount within the budget for landscaping should be protected as it is an extremely cost effective way of adding quality
- Supports including of outdoor seating;
- Acknowledges the difficulties of managing parking on the site highlighting that the current tandem relationship is problematic resulting in a poor outlook for the new building. Breaking it up with landscaping could help;
- The coach parking and loading area is supported but this too would benefit from more landscaping to soften views when viewed from buildings;

Built form and materials

- There is considerable merit to the design as tabled, with many of the main elements relating to form, scale, massing and siting performing well.
- Some breaking up of the buildings horizontal flanks would help in softening long views onto its form. (This also could be achieved through tree planting).
- Acknowledges that cost pressures on projects of this nature dictate a pragmatic approach but urge that the design is not led by this type of constraint;
- Identified need to create a hierarchy of spending, whereby money is allocated to those things that deliver the best value for money;
- Entrance to building is compromised in terms of scale and grandeur and given that it will host special functions it would benefit from an entrance space that is welcoming and visually impressive;
- The current configuration where you enter into a straight narrow corridor adjacent to the stairs lacks the kind of ante-space or landing area needed to enable good transition from outside to inside – a lobby space is encouraged;
- There is scope to alter the configuration of halls that will show case these spaces allowing the assembly hall to be accessed directly from the new lobby space and restricting public access to the corridor
- If designed well, in use the assembly hall and new lobby space could read as a unified, integrated space for special functions;

- The sports hall would benefit from being top-lit from natural diffuse lighting and opening up its edge to the corridors by putting in windows that would allow more 'borrowed' light from the rest of the building – this would encourage pupils to interact with the physical activities taking place in the hall;
- Need to add in top lighting for upper corridor and put in windows at the end of the corridor.

Amended plans following design review

Wye PC – views awaited

Wye Downs AONB Unit – Still objects to height and scale of building (see earlier objection); Supports the provision of additional landscaping to eastern boundary. Would like to see more of the suggestions from the Design Panel incorporated into the design.

Neighbours: 35/2R

Two objections received which raise the following issues:

- Reiterate prematurity in respect of Wye masterplan;
- Parking remains inadequate;
- Concern about view of building from Olantigh Road – this is a badly maintained hedge and not mature trees;
- Remains over-intensive development of the site;
- The existing sewage disposal system will not be able to cope with the huge increase in demand that will result.

Planning Policy

29. The Development Plan relevant to this application comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and ended on 10th August 2016. At present the policies in this emerging plan can be accorded little or no weight.

30. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN10 - Development on the edge of existing settlements

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS2 - The Borough Wide Strategy

CS9 – Design Quality

CS10 – Sustainable Design and Construction

CS15 – Transport

CS20 – Sustainable Drainage

Tenterden & Rural Sites DPD 2010

WYE3 – Imperial College, Wye

TRS17 – Landscape Character and Design

TRS18 – Important Rural Features

Draft Local Plan to 2030

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

Wye Neighbourhood Plan 2015-30

WNP6 – Mixed development

WNP11 - The former Imperial College London campus at Wye

31. There are two Wye Neighbourhood Plan (WNP) policies of particular relevance to this site, policies WNP6 and WNP11. These are written in full below:

Policy WNP6 *Mixed development*

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.

Prior to any planning application pursuant to the agreed masterplan an application for a screening determination regarding the need for an Environmental Impact Assessment shall be made to Ashford Borough Council. Subject to that opinion any application should be accompanied with an appropriate Environmental Impact Assessment.

Policy WNP11 *The former Imperial College London campus at Wye*

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 Road, Scotton Street and Oxenturn Road, improvement to the village hall complex and the establishment of a day care centre for the elderly (see Appendix B).

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Government Advice

National Planning Policy Framework (NPPF) 2012

33. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

- Para 11 sets out a presumption in favour of sustainable development requiring planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- Para 17 on Core Planning Principles includes the encouragement of the effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value.
- Para 17 on Core Planning Principles includes seeking to secure high quality design
- Section 4 promotes sustainable transport and requires all developments that generate significant amounts of movement to be supported by a Transport Statement.
- Para 72 sets out how the Government attaches great importance to ensuring sufficient choice of school places to meet the needs of existing and new communities. It requires local authorities to give great weight to the need to create, expand or alter schools.

National Planning Policy Guidance (NPPG)

Assessment

34. The main issues for consideration are:

- Principle of development
- Wye Neighbourhood Plan
- Landscape impact; Impact on Conservation Area; Visual Amenity and Design
- Highway Safety
- Residential Amenity
- Trees
- Ecology
- SUDS
- Planning Obligations

Background

35. Wye School currently benefited from a temporary planning permission only to operate from the former Kempe Centre but this expired in July 2017. It permitted a maximum school capacity of 450 pupils and 43.5 staff. The school currently has 272 pupils on the school roll in years 7 to 9. This proposal to expand the school seeks consent for the permanent location of the school in its current location in addition to a new sports hall and teaching block. This would allow the school to grow year on year by 90 pupils until it reaches a 600 pupil capacity in 2019/2020. By this time a total of 52 staff would be required.
36. A planning application for the Phase 1 school expansion, which was for a multi-purpose games area (MUGA), was approved by Members of the planning committee earlier this year (Ref 16/01226/AS). This phase 2 and 3 expansion is for the new building required to support the increase in school numbers. This would generate additional parking and vehicle movements and the current application includes new parking areas and traffic calming in Olantigh Road.

Principle of Development

37. The site falls within WYE3 of the adopted Tenterden and Rural Sites DPD which requires that the long term future of the buildings, facilities and land at the former Imperial College campus 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. This exercise was

carried out by Imperial and it is accepted that much of the site/buildings will not remain in an educational/R&D use. However, the use of the Kempe Centre as a free school is policy compliant in this respect. I therefore consider that they are acceptable uses for the WYE3 site. Further support for this approach is provided by the NPPF which requires local planning authorities to give great weight to the need to create, expand or alter schools (para 72).

38. WYE3 states further that if the marketing campaign demonstrates that such uses are not possible on all or part of the WYE3 area, then a master planning 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 “a formal review of this policy or the adoption of an SPD based on the agreed masterplan.” A master planning exercise has commenced as part of the neighbourhood planning process with a Workshop taking place in January 2017. Whilst there is currently no formal masterplan for the site, the Workshop established that the use of the Kempe Centre and surrounding site/land as a Free School was widely supported. The recently adopted Wye Neighbourhood Plan (see below) includes policies which are consistent with the development plan. It identifies the need for a masterplan for the WYE3 site.

Wye Neighbourhood Plan

39. Wye and Hinxhill Parish Council has objected to this planning application on a number of grounds including that the proposal is piecemeal and premature in policy terms. They have urged the Borough Council to consider this application holistically and within the context of the ongoing Master-planning process.
40. The applicants have requested that attention is drawn to Paras 36/37 of the Wye Neighbourhood Plan – paragraph 6.3.1 of the WNP which specifically states:

*“The WNP supports the location of the school on the WYE3 site. The school has planning permission to operate from the adapted Kempe Centre building for 3 years. The EFA, United Learning and Telereal Trillium have agreed that, **subject to planning permission, Wye School will be permanently located in the former Kempe Centre building with additional buildings to be constructed, together with new playing fields, to support its expansion.**”*

Para 37 – Policy WYE3 actually states that education uses will be acceptable in principle subject to (criteria a, b and c).

41. Whilst it is accepted that this proposal precedes the masterplan, it is not considered to prejudice the masterplan. Policy WNP11 (a) provides for the continued use of part of the former college site for education uses stating amongst other things that a “detailed design should be submitted for the entrance to the school ...”. Furthermore, policy WYE3 is helpful in that it provides guidance should development come forward in the absence of a masterplan. Specifically, it seeks the retention of the main educational uses and provides guidance to any development on land either side of Occupation Road 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.

In light of this, given that continued use of part of the site for education is acceptable in principle in accordance with the development plan, and the proposed application would be conducive with this, provided the proposals represent an appropriate and acceptable form of development when assessed against relevant policies set out in the development plan and guidance within the NPPF the principle of development is considered to be acceptable. This is considered in detail below.

Visual Amenity and Design, Landscape Impact and Impact on Conservation Area

42. The school site is not a large one which has led to the need for a compact building design and three storey classroom element. It has also led to a need for tandem parking within the parking area. A number of objectors including the parish council have pointed to an overdevelopment of the site. Whilst a larger site may have resulted in a different form and massing and more generous parking area, the role for officers is to assess the acceptability of the design and layout in front of them. Sometimes, a tight site can actually lead to a better design. In this case, I believe the compactness of the building form on this site conveys some advantages in terms of reducing its visual impact/expanse of roof. Also, the tandem arrangement of parking, whilst inconvenient for users (see section on Highway Safety), does reduce significantly the area of hardstanding that would otherwise be required.
43. The Ashford Design Panel supports the design approach describing many aspects of the design as being ‘well resolved’. It considers that many of the main elements of the new building – form; scale; massing and siting - perform well. It supports the provision of an overarching landscape strategy to help

filter views; provide quality spaces and to break up expanses of hardstanding, such as the tandem parking.

44. This is by its nature a large building. Furthermore, as the Parish Council and a number of objectors have pointed out it would be situated at a higher level to the street. A site section is included in Figure 7 below to demonstrate this point.

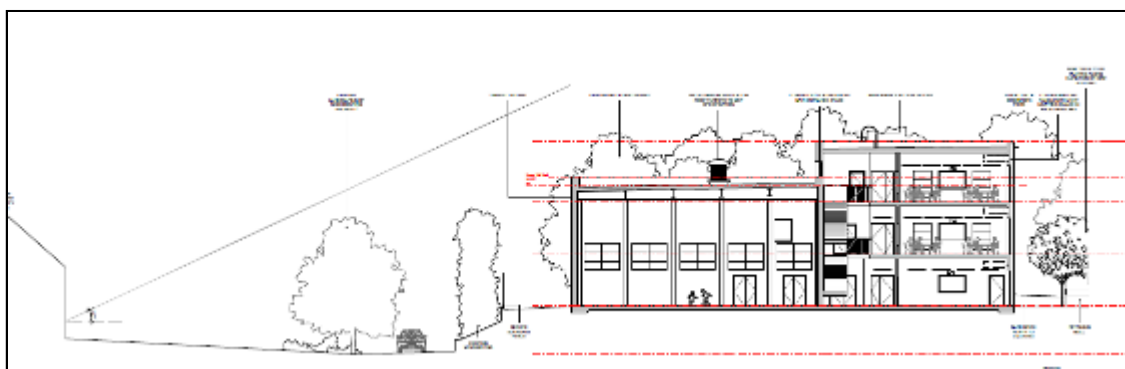


Figure 7: Section across Olantigh Road

45. Although the building would be at a higher level to the street it would be set back from Olantigh Road behind a high hedge. It would also be 'contained' to the north by the large trees of the Arboretum and by the existing Kempe Centre to the south. This would help reduce its impact in the street scene. The upper part of the building would be visible from the properties opposite on the other side of Olantigh Road but these are some distance away as shown in the section drawing. The Ashford Design Panel support the avoidance of security fencing along the western boundary and the retention of the existing landscaping to help break up the massing of the building when viewed from Olantigh Road.
46. The building would be seen in long views from higher land to the east. However it would not be seen in isolation, but in the context of the existing Kempe Centre which has a not dissimilar scale. Intervening bands of hedgerow/trees would help reduce its impact in long range views from the east. The compactness of the building would in my view assist in this longer range views by limiting the extent of the building footprint across the site. The Ashford Design Panel has suggested the planting of more trees along the eastern boundary of the new school building and MUGA to help break up the massing of the building and filter views. The amended plans show enhanced planting to this boundary.
47. The applicant's visual impact assessment shows there are only a few instances from where the newly proposed hall and teaching block would be seen from listed buildings and that these views are not harmful due mainly to the distances involved and intervening built form. The conservation area is

situated some 245 m to the south of the proposed new building and it would be difficult to make a case that the building would have an adverse impact on the conservation area.

48. The design of the proposed new building has been amended since first submitted to help 'lift' its design. In particular, a secondary brick colour has been introduced to the north and east elevations to help break up the external appearance of those elevations and the spacing/pattern of the vertical timbers

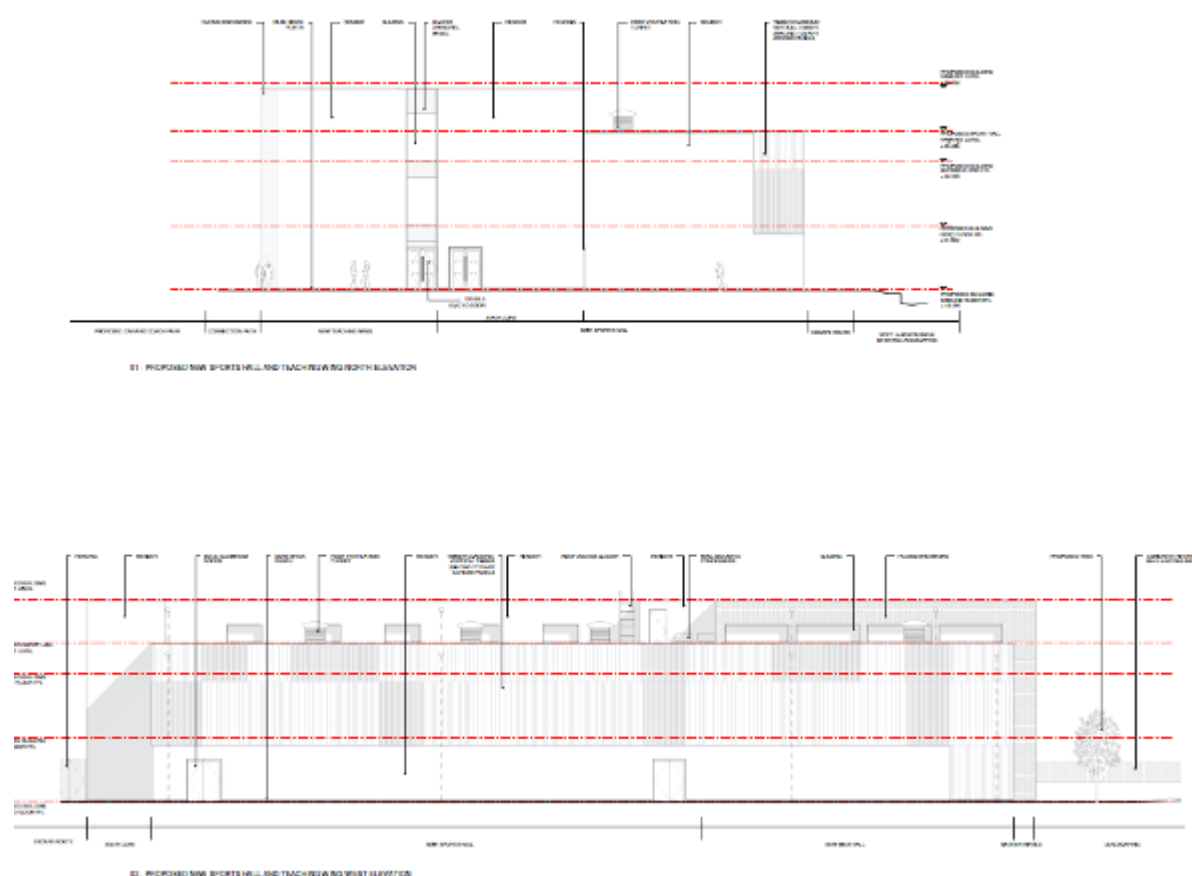


Figure 8: North and west elevations post design review

49. The changes that have been made post Design Review affect in particular the internal layout of the new building. They show a building with a more pronounced entrance and entrance lobby; more versatile internal arrangement (with reduced length corridor) together with a greater level of natural light infiltration. The changes to the external elevations include the introduction of a render band on the west elevation of the sports hall at ground floor level and north elevation of the sports hall; additional window openings. These changes are supported by officers.
50. The proposed changes to the external appearance of the Kempe Centre are minor in nature. These include new louvres to some (mostly high level)

windows and new flues. I do not consider that they would be harmful to the visual amenity of the area.

51. Whilst I accept this is a large building, I do not consider that the proposed development would be visually intrusive within the AONB; impact adversely on the conservation area or be harmful to the visual amenity of the area.

Highway Safety

52. This application will result in an increase in pupil numbers and associated trips generating a need for additional on-site parking. The need for on-site parking for sixth formers, who may choose to drive to school, has been highlighted during the consultation process. Furthermore, the need to calm traffic in the vicinity of the school at the junction between Olantigh Road and Occupation Road is required on highway safety grounds.
53. KCC Highways and Transportation initially raised objections to the proposal, but following discussions amended plans have been submitted which show an internal layout and off-site highway works on Olantigh Road which are acceptable to them.
54. The proposed parking layout would be compact in form and require management to make it work. Pick up and drop off would be achieved on site with 42 spaces provided for this purpose. These spaces would be available outside of pick up and drop off. KCC Highways and Transportation has commented that with all parking elements as well as the coaches on the same site it may appear a slightly chaotic environment. However, given that the 6th form and parent spaces are likely to leave site slightly before the school coaches, and all of these before the school staff, it is content that the layout should operate safely. Added to which there will be safe pedestrian routes to the parent pick up/drop off point and to board the coaches as well as standard school practice being for staff to be present within the car park as wardens to assist.
55. The proposed highway improvement scheme for Olantigh Road proposes a road narrowing with one-way priority working for traffic accompanied by a small raised table to both slow traffic speeds and improve the pedestrian crossing element. The one-way priority working for traffic will slow vehicle speeds on the approach to the Occupation Road junction as well as to the village beyond and represents a good starting point for any further revisions for Olantigh Road that may accompany future development. This proposed scheme allows for the offset of the give way line for Occupation Road thus improving visibility as well as reducing traffic speeds. It also includes the provision of two sections of double lining on the western side of Olantigh Road to both ensure the road is kept clear for safe operation of the road

narrowing, and to allow coaches to turn left out of the access. As such this layout is considered acceptable.

56. Lastly, KCC Highways and Transportation has commented that the revised increase in the parking numbers on site as well as the proposed highway alterations are unlikely to have a material impact on the highway capacity and operation of the Occupation Road junction as the background flows on Olantigh Road are so low.
57. No objections are raised to the current application on highway safety grounds and on this basis I consider it to be acceptable. For the reasons above, I do not consider that this development would impact adversely on highway safety.

Residential Amenity

58. The proposed building is relatively isolated from existing dwellings with the exception of the properties on the other side of Olantigh Road. These are set back from the street and there would be a distance of some 35m between the closest residential property and the west (closest) elevation of the new building. As a consequence of this separation, I do not consider that the proposed building would be unacceptably overbearing. It should be noted also that the building has been organised on the site so that the lower part of the building (the sports hall) is on the outside elevation. This elevation has no openings which would preclude overlooking of the residential properties and also help reduce noise transmission.
59. I do not consider that the proposed development would be harmful to residential amenity.

Trees

60. The proposed development would require the removal of 1 tree and a small tree group form within the site. These are small specimens and the Tree Officer has raised no objections to their removal. A significant number of new trees are proposed to be planted along the boundary with the parking area and within the space currently occupied by the cabins.
61. An appropriate condition will be attached to secure the provision of these trees once the cabins are removed.

Ecology

62. The survey work identified the presence of slow worm, common lizard and grass snake. No objections are raised subject to a condition.

SUDS

63. Due to the sites layout it is considered likely that sufficient space is available to accommodate appropriately sized soakaways to provide compliance with Ashford Borough Council's SPD. No objections are raised and appropriate condition is attached.

Planning Obligations

64. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development

I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

Detail	Amount(s)	Trigger Point	Reg 122 Assessment
<p>Carbon Off-setting</p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the building set out in the approved energy performance certificate and quantified over 10</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable within 15 days of the Council's approval of the post construction assessment</p>	<p>Necessary in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 (C), the Sustainable Design and Construction SPD and guidance in the NPPF.</p>

Detail	Amount(s)	Trigger Point	Reg 122 Assessment
years			<p>Directly related as only carbon emissions from this development would have to be off-set.</p> <p>Fairly and reasonably related in scale and kind as off-setting would not be required in the absence of carbon emissions from this development and any payment is based on the amount of carbon dioxide to be offset.</p>
<p>Monitoring fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£500 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>

Detail	Amount(s)	Trigger Point	Reg 122 Assessment
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs. If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>			

Human Rights Issues

65. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

66. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

67. Whilst this proposal predates the adoption of a masterplan for the WYE3 site, the development is not considered to prejudice the masterplan. Since members considered this proposal at the May planning committee, the masterplan has progressed still further. The use is acceptable in principle being ancillary development to the Wye school which is on an existing educational site. Furthermore, Wye Neighbourhood Plan policy (WNP11a) provides for the continued use of part of the former college site for education. Therefore refusing the application on grounds relating to prematurity in relation to the masterplan would be unjustified in officer's view. National government policy affords great weight to the need to create, expand or alter schools.

68. Having looked at the proposals, I do not consider that the proposed development would have an adverse visual impact on the AONB or impact adversely on the conservation area. Whilst it is a large building, its location within the site between Arboretum; existing development and boundary planting helps to 'contain it'. It would also be seen in the context of the Kempe Centre, a building of comparable size. It is sufficiently far from the conservation area so as not to have a harmful impact. The scale and simplicity of the form is to a large extent dictated by the use and the proposed amendments to the elevations do add interest do help lift the building in my view. The changes that have been made post design review would greatly improve the quality of the internal environment for users of the building. The enhanced landscaping proposals would help mitigate the impact of the building in long views from the east.
69. I am satisfied that the proposal would not adversely affect highway safety or have an adverse impact on residential amenity. Amendments to the scheme have addressed issues relating to the adequacy of on-site parking and traffic calming within Olantigh Road. Lastly, I am assured that an acceptable drainage scheme can be achieved which meets the requirements of the Council's SPD.

Recommendation

- (A) Subject to the applicant first entering into a section 106 agreement in respect of planning obligations detailed in table 1, in terms agreeable to the Development Control Managers or the Head of Development Strategic Sites and Design in consultation with the Director of Law and Governance, with delegated authority to either the Development Control Managers or the Head of Development Strategic Sites and Design to make or approve minor changes to the planning obligations and planning conditions, as they see fit.**
- (B) Permit**

Subject to the following conditions and notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before any above ground works are commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

3. Before any above ground works are carried out the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.
- (a) 1:20 scale sections and elevations of typical elevation details to both the sports hall and classroom block
 - (b) 1:20 scale drawings illustrating proposed parapet detailing
 - (c) Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material
 - (d) Details of rainwater goods

Reason: In the interest of visual amenity

4. Prior to the commencement of the work on site, construction vehicle loading/unloading and turning facilities shall be provided.

These shall remain in place for the duration of the development.

Reason: In the interests of highway safety and the amenities of neighbouring residents.

5. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and local Highway Authority. This shall include details of the following:

- wheel washing facilities/measures to prevent debris and spoil and the discharge of surface water onto the public highway

- access point for HGVs and site personnel

- provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction

- dust suppression methods

- plant and noise generated from operation of vehicles and machinery
- fencing/hoardings
- lighting
- HGV routing
- hours of operation
- any temporary traffic management/signage required

All details of construction management shall be adhered to during the construction period.

No construction vehicles shall reverse onto the public highway without assistance from a banksman.

Reason: In the interests of highway safety and the amenities of neighbouring residents.

6. The area shown on the drawing number WC-091 RevJ as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use of the new building on site is commenced and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

7. A Parking Management Plan for the parking area showing how the spaces shall be managed for the differing parking requirements ie. staff; pupil drop off/pick up etc. shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building.

Reason: In the interest of highway safety

8. Prior to first occupation of the new school building secure, covered cycle parking facilities shall be provided in accordance with details previously submitted and approved in writing by the Local Planning Authority. The parking shall be permanently retained.

Reason: To promote sustainable modes of transport

9. The onsite vehicle parking facilities shall be made available for the use of any out of hours weekend functions or sports events.

Reason: In the interest of highway safety

10. Prior to occupation of the new school building, the off-site highways works shown on Plan JNY8974-02 REV C shall be constructed and delivered.

Reason: In the interest of highway safety

11. No surface water shall discharge onto the public highway.

Reason: In the interests of highway safety.

12. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii further archaeological investigation, recording and reporting determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

13. No development shall be commenced until:

- a site investigation has been undertaken to determine the nature and extent of any contamination, and
- the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first use of the development hereby permitted or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development:

- the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and
- a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To prevent pollution of the water environment and to avoid risk to the public, buildings and the environment when the site is develop

14. No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water has been submitted and approved by Ashford Borough Council.

The final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

Surface water runoff should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council where possible. Proposals should identify any overland flow paths, channelling of flows, or piped flows along with the final point of discharge of the water from the site should be identified.

Infiltration test results must be provided and undertaken in accordance with requirements from BRE Digest 365, with test locations identified.

Soakaways should be sized and designed in accordance with KCC "The Soakaway Design Guide" – July 2000.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance). The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

No drainage systems for the infiltration of surface water drainage into the ground should occur without the express written consent of Ashford Borough Council. It must be demonstrated that there is no resultant unacceptable risk to controlled waters, or groundwater aquifers.

If, during development, contamination not previously identified is found present then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with. Written approval from Ashford Borough Council must be obtained. The remediation strategy shall be implemented as approved.

Reasons: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

15. No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works:
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives including updated surveys where necessary;
 - c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of biodiversity

16. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan (C122790-02-01_RevA) and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
 - (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
 - (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such

trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

17. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.
- a, No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 *Recommendations for Tree Work*).
- b, If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

18. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development in accordance with the approved details. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to mitigate for the development and protect and enhance the amenity of the area.

19. The details of soft landscape works required in condition **18** above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

20. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

21. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

Notes to Applicant

1. Working with the Applicant

1. In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,

- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/01548/AS.

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Annex 1

