



STATEMENT OF COMMON GROUND

APPEAL REFERENCE APP/E2205/W/20/3259450

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

SITE ADDRESS

The site is located at:

Former Wye College Buildings
High Street
Wye
Ashford
TN25 4AH

DESCRIPTION OF THE DEVELOPMENT

The description of development is as follows:

- 1) 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)

APPELLANT

Telereal Trillium

LOCAL PLANNING AUTHORITY

The local planning authority is Ashford Borough Council

0.1 This statement addresses the following areas of common ground:

1. Description of the site and surrounding area (including agreed dimensions)
2. Proposed Development
3. Designations
4. Planning History
5. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).

6. List of Possible Conditions
7. Draft S106 Terms
8. Other Matters
9. Conclusion

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

- Application drawings (BDB Architects) CD13
- Design & Access Statement (BDB Architects) CD14f
- Illustrative Landscape Proposals (Growth Industry) CD14o
- Desk Based Heritage Assessment (Canterbury Archaeological Trust) CD14l
- Schedule of Works/Heritage Impact Assessment (BDB Architects) CD14k
- Ecology Report (GreenLink Ecology) CD14j
- Transport Assessment (TPP) CD14d
- Planning Statement (Hobbs Parker) CD14m
- Flood Risk Assessment (RMB) CD14h
- Draft Heads of Terms s.106 Agreement CD14p

0.3 This SoCG sets out a description of the development and the rationale for the proposals in relation to planning policy and other material considerations.

0.4 Following receipt and validation of the application on 10th April 2017, and the submission of amended plans in January 2018, responding to comments received from statutory consultees, the application was taken to Planning Committee on 20 June 2018 with a recommendation for approval. The Officer's Report (CD15d) sets out the key matters for consideration which included:

- Principle of development
- Relationship to Wye 3 Masterplan and Timing of the Proposals
- Impact on Heritage Assets
- Impact on community facilities
- Design Quality
- Highways, Traffic and Parking
- Impact of Development on the Area of Outstanding Natural Beauty
- Surface Water Drainage and Flood Risk
- Impact on Residential Amenity/Neighbours
- Refuse
- Trees
- Ecology

- Sustainable Development and Construction
- Viability and Impact on Financial Contributions
- Necessity of Planning Obligations.

0.5 Details of the above matters are set out within paragraphs 51 – 218 of the Committee Report. All of these matters have been agreed. Agreement was also reached in December 2020 regarding the wording of the clawback clause, (secured in the s106 agreement, providing a financial contribution towards off site infrastructure, should viability increase to allow this).

0.6 The only matter previously not agreed between the principal parties was that relating to the use of the Latin School. The application and appeal provided for this to be used as ancillary to the residential dwelling comprising the original Master's House (unit 18) which was the basis of the relevant officer's report to committee. ABC wanted this to be added to the community use provision, but it was not raised by the Council as a heritage concern. The full resolution of the Planning Committee is included below in the Planning History.

0.7 Since the previous iteration of this SoCG however, ABC have confirmed that they will not be pursuing a case against Appeal A and as such, they accept that the Latin School building can be used as a garden room, ancillary to unit 18 and that the scheme is not contrary to Local Plan policy COM1 and therefore, accords with the Ashford Local Plan and Wye Neighbourhood Plan.

0.8 A schedule of agreed conditions has been provided to the Inspector. Whilst there is disagreement on the wording of conditions (10, 11, 13, 15, 17 and 20b) alternative wording for these conditions has been provided to the Inspector, by the Appellant.

1. Description of the Site and Surrounding Area

- 1.1 The application site is located in Wye, Ashford at the junction of High Street and Olantigh Road and lies within the jurisdictions of Ashford Borough Council and Kent County Council. It comprises some of the former Wye College buildings and covers an area of 1.01 hectares, as shown in general terms on the image below and in detail on the site location plan (CD13c).

Fig 1: Approximate site location (Source: Google Maps)



- 1.2 Wye is one of the larger settlements in Ashford, well connected by rail and with a good range of schools, shops and services. It is therefore a sustainable location for development.
- 1.3 The appeal site is bound by High Street to the south, former science buildings forming part of Wye College to the north, Olantigh Road to the east and St Gregory and St Martin Churchyard to the west.
- 1.4 Opposite the site, to the south west of the High Street lies The Green which is within the land controlled by the appellant, the 'blue line', and forms a publicly accessible green space.
- 1.5 The buildings are arranged in five quads known as Cloister Quad, West Quad, North Quad, South Quad and Agricola Quad which are associated with the former use of the building as Wye College.
- 1.6 The site encompasses a number of nationally important heritage assets, summary details of which are provided below.

- 1.7 There is a public footpath running northeast-southwest along the western edge of the site within the adjacent churchyard, and an additional footpath running east-west through the site from Olantigh Road to the churchyard.
- 1.8 There are a number of amenities in close proximity to the site including several shops and services. Wye Railway Station is located roughly 750m to the west. In this respect, the site is considered to be in a very sustainable location which can promote sustainable modes of transport.

2. Proposed Development

- 2.1 The proposed development involves conversion of the existing buildings on site to provide 38 residential dwellings comprised of 11 houses and 27 apartments, construction of 2 new dwelling houses, the provision of parking courts and parking barns, landscaping and the provision of dedicated space for community uses. It also provides for managed public access to certain areas of the historic buildings.
- 2.2 The works provide new community floorspace for use by Wye Heritage and the community Heritage Centre, who will relocate from their current base in the old Latin School at the southwest corner of the site, to a new larger unit a short distance to the east, within the college complex and which includes a foyer, meeting room, dedicated archive storage room, kitchen and accessible WC.
- 2.3 Public access is retained to various historic elements within the built complex, including the Old Hall, 17th Century Staircase, Lecture Theatre and Chapel and the main Quads. Access to these elements will be secured by condition and will generally cater for local societies and tour groups, each month and through open days, ensuring preservation of the heritage assets, whilst also opening them up to the public to experience and learn about the interesting history of the building, ensuring access to the public.
- 2.4 To facilitate this redevelopment, various buildings will be demolished on site, all of which comprise more modern, less attractive additions to the complex and currently detract from the heritage assets. These are shown on the demolition site plan (CD13j) and comprise predominantly modern buildings to the north of the main buildings and to the west of Squires Cottages, the 4 houses fronting Olantigh Road.
- 2.5 A total of 95 car parking spaces will be provided, including 16 visitor spaces as well as 83 cycle parking spaces.
- 2.6 The proposed dwelling mix is as follows as shown on the Schedule of accommodation (CD13b):
- 2no. 1 bedroom flats
 - 20no. 2 bedroom flats
 - 5no. 3 bedrooms flats
 - 8no. 2 bedroom houses
 - 3no. 3 bedroom houses
 - 1no. 4 bedroom house
 - 1no. 5 bedroom house
- 2.7 The 2 new dwelling houses are to be located within the northwest corner of the site and amount to some 360.7 sqm of floorspace. The new build houses will include a car port which links the houses together. It is also proposed to construct 2 rows of car barns as part of the overall development.

- 2.8 The proposals require minimal alterations to the listed buildings to provide suitable residential accommodation. The external appearance of the existing buildings will be preserved and any external changes have been designed sensitively to respect the character of the existing structures.
- 2.9 The layout of the scheme preserves the historic layout of the buildings which are arranged around a series of interconnected quads. The main entrance to the buildings will be from High Street, with a secondary access on Olantigh Road. It is also proposed to restore hard and soft landscaping in gardens areas, cloisters and courtyards. Individual trees will be planted within the parking area to provide visual relief and create breaks within the hardstanding.
- 2.10 Public access to some important parts of the historical complex is proposed to be secured through planning condition, allowing for visits by community and tour groups, with access secured to the Old Hall, 17th Century Staircase, the Lecture Theatre, and the Chapel.
- 2.11 Details of the proposed development are included in the Planning Statement (CD14m) and the Design and Access Statement (CD14f) which supported the application and are addressed in the Officers Report to Planning Committee (CD15d) so are not repeated here.

3. Designations

- 3.1 The southern half of the site is situated within the Wye Conservation Area and the whole of the site lies within the North Downs Area of Outstanding Natural Beauty and an Area of Archaeological Interest.
- 3.2 The site contains several buildings of historic significance and a scheduled ancient monument (SAM), namely the following:
- The Latin School – Grade I Listed
 - The Wheel Housing (Junior Common Room) Walls and Gates – Grade II* Listed
 - Wye College, Entrance and Hall Quadrangles – Grade II Listed
 - Wye College, Cloister Quadrangle – Grade I Listed
 - The Medieval College of St Gregory and St Martin at Wye – Scheduled Monument
- 3.3 There are also a significant number of listed buildings in the area near to the site. The various listed buildings are excluded from the scheduling, however the ground beneath them is not, and forms part of the SAM, as shown on the following figure.

Fig 2: Scheduled Ancient Monument and location of listed buildings.



4. Planning History

- 4.1 Planning history for the site generally comprises minor applications for works including the conversion of attic space to office accommodation, widening of a hatch and alterations to a kitchen and the erection of temporary fencing, all of which bear no relevance to this current Appeal.
- 4.2 There was also an unrelated EIA screening request submitted in 2014 under reference 14/00020/EIA/AS for a mixed use scheme on a much wider site, comprising up to 200 residential units, a business hub, small business/artisans units and agri-businesses, an allocation of space for Community uses, public green space/woodlands/allotments and play areas, internal roads, parking and service areas and supporting infrastructure.
- 4.3 Key planning history relevant to the current proposals is set out below as follows:
- 4.4 Full planning permission was granted on 22 August 2016 (Ref: 16/00893/AS) for change of use from student accommodation back to four individual dwellings. This application relates to Squires Cottages which are located within the northeast portion of the current application site.
- 4.5 Listed building consent (CD15b(2)) was granted on 24 June 2019 (Ref: 17/00568/AS) for the conversion of former college buildings to provide 38 dwellings with internal and external alterations and demolition of existing extensions. This relates to the Listed Building Consent that accompanied the current planning appeal scheme.
- 4.6 The application to which this Appeal relates (Ref: 17/00567/AS) was submitted to ABC on 10 April 2017 for:
- "1) Conversion of former College buildings with associated restoration and alterations to buildings, demolition of later structures and rebuilding to provide 39 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)", alongside the Listed Building Application referred to above.
- 4.7 The number of dwellings was subsequently reduced from 39 to 38, as it was considered by ABC that the dwelling adjoining the Old Hall should serve as communal floorspace for residents. The application was presented to planning committee on 20th June 2018, with a recommendation to approve. Members resolved to grant planning permission for the proposal, subject to:
- A) receipt of amended plans showing the former Latin School in Community Use together with access arrangements thereto and to additional times of access to the communal*

areas to be agreed by the Head of Development Management and Strategic Sites under delegated authority, and

B) prior completion of a Section 106 agreement or undertaking in respect of the planning obligations detailed in Table 1, in terms agreeable to the Head of Development Management & Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance with delegated Authority to the Head of Development Management & Strategic Sites or the Joint Development Control Managers to negotiate the terms of the S.106 obligations to reflect the viability of the scheme, including to determine appropriate Initial (Pay Regardless) Contributions, the thresholds and percentages of Deferred Contributions, including to omit any of the Deferred Contributions that are subject to pooling should this compromise the ability to collect for projects from other sites and all ancillary matters to ensure that reasonable and proper contributions are made by the development bearing in mind the viability position and further valuation advice and to make or approve minor changes to the obligations and conditions as they see fit (for the avoidance of doubt including adding additional conditions or deleting conditions) and any further minor changes/amendments to materials, glazing, fine detailing that are deemed necessary by officers, with authority delegated to the Head of Development & Strategic Sites or the Joint Development Control Managers to thereafter issue the decision notice with any further conditions or minor changes to the conditions/notes set out in (C) below.

4.8 Proposed condition 10 was put forward for requirement (A), stating that, inter alia:

'The following areas and rooms of the building shall only be used as follows:

(a) Wye Heritage Centre and Latin School shall only be used for D1(g) use as a non-residential institution public hall for meetings and activities of community groups'.

4.9 This was not a change to the application that had been sought or agreed with the applicant prior to committee.

4.10 The application was originally due to be determined on 13 July 2017, but the determination target was extended to 13th February 2020, via an Extension of Time agreement signed on the 29th January 2020.

4.11 However, Listed Building consent was granted on 24th June 2019 for application reference 17/00568/AS, for the following:

'Conversion of former College buildings to provide 38 dwellings with internal and external alterations to include new openings, new partitions, closure of existing openings, removal of doors and partitions, new staircases and opening up of intermediate floor. Demolition of existing extensions'.

- 4.12 This approved the listed building application that detailed the physical works that supported full application 17/00567/AS, currently subject of this non determination Appeal.
- 4.13 Prior to determination, the proposals underwent three rounds of public consultation following the submission of the application and amendments to the scheme. A full summary of responses can be found in the Committee Report and are briefly summarised below.

First Consultation

- 4.14 Following submission of the application in April 2017, comments were received from 18 internal and statutory consultees. The proposals were broadly supported, however further amendments were requested prior to determination of the application.
- 4.15 Historic England requested a number of further details relating to restoration works, future means of access, servicing arrangements and works affecting the scheduled monument, whilst Kent AONB Unit considered the large expanses of glazing proposed to be inappropriate in relation to local distinctiveness.
- 4.16 KCC Flood and Water Management required the submission of a surface water drainage strategy, whilst KCC Highways noted a number of minor issues relating to traffic and parking, albeit highlighting that these could be dealt with by way of conditions and the submission of further information. KCC Developer Contributions considered that the proposals had implications in terms of the delivery of community services and required mitigation through direct provision of infrastructure or payment of an appropriate financial contribution.
- 4.17 The key matter at this stage was the objection from the Parish Council who stated in representations as set out in the committee report (CD14d):

"The Parish Council objects primarily on the grounds that this application is premature as it is contrary to the site policy for WYE3 in the adopted Wye Neighbourhood Plan. This application pre-empts and undermines the current WYE3 masterplan process, and thereby constrains the proper consideration of options and uses for the rest of WYE3. The application is silent on the relationship with the adjacent 1.25 acre area of laboratories immediately north of the application site. This is a major site in its own right, but as yet it has no defined use."

"The application proposes piecemeal development. This approach is contrary to the site policy WNP11 j) in the adopted Neighbourhood Plan."

"the Principle of residential development is accepted by Policy WNP11, but as part of a mix of use. This policy invited proposals that provide a mix of community, residential and business uses'.In contrast the proposed mix comprises an overwhelmingly residential gated development, only a minimal space allowance for a Heritage Centre and no business use. The

Design & Access statement indicates no more than the vague and tenuous possibility of restricted public access to only some heritage buildings.”

Second Consultation

- 4.18 Further comments were received following the submission of amended drawings as well as a surface water management strategy.
- 4.19 During the second consultation, Housing Services highlighted that there would be an expectation of 35% affordable housing being delivered within the scheme, equating to 14 properties. CCG NHS requested that developer contributions were sought to enable Wye Surgery to increase capacity in order to accommodate circa 100 additional patients.
- 4.20 KCC Flood and Water Management were generally satisfied with the surface water management strategy, highlighting that they will expect further information at the detailed design stage. KCC Highways maintained their minor concerns, albeit again highlighting that these could be dealt with through planning conditions.
- 4.21 The key matter at this stage continued to be the objection from the Parish Council regarding a number of issues including an alleged non-compliance with the Neighbourhood Plan and lack of compliance with Policy WYE3. It also cited the need for a comprehensive masterplan to guide development of the site. Specific concerns were also expressed regarding highways safety improvements, parking, housing numbers, care home, traffic levels and impacts, infrastructure impacts, public realm management arrangements, community benefits, employment and listed building impacts.
- 4.22 It was during the second round of consultation that the PC raised concerns regarding the use of the Latin School as a private garden room which was considered by them to be unacceptable. No objection was raised by Historic England.
- 4.23 The PC also commented that the views of the Village Design Group needed to be made visible, as well as Wye 3 public comments to enable response to this “significant” document.

Third Consultation

- 4.24 The proposals continued to be broadly supported by statutory consultees, with the exception of the Parish Council. Historic England (HE) were satisfied that the additional information requested had been provided and that further details could be sought through planning conditions. HE stated that they had no objection to the application on heritage grounds.
- 4.25 Also of note is the comment from the Society for the Protection of Ancient Buildings (SPAB) who stated:

"The college buildings range in grade and the site includes Grade I, II, II and scheduled ancient monuments. It is therefore of great importance both nationally and locally, and we are pleased to see that a proposal has come to the fore following the closure of the college nearly 10 years ago."*

- 4.26 The Parish Council re-iterated their concerns regarding the prematurity of the consideration of this scheme ahead of the adoption of a Masterplan and concerns were also expressed regarding the viability issues associated with the consideration of this site in isolation of the wider Wye College site. The issues raised are set out in the committee report (CD14d).

5. Development Plan

- 5.1 The development plan comprises the following documents:
- a) Ashford Local Plan 2030 (February 2019);
 - b) Wye Neighbourhood Plan (2016);
- 5.2 The policy context for the appeal also includes the following documents, that are not part of the Development Plan:

National Planning Policy Framework (February 2019);
National Planning Practice Guidance
Residential Parking and Design Guidance Supplementary Planning Guidance;
Sustainable Design and Construction SPD;
Sustainable Drainage (SUDs) SPD;
Residential Space & Layout SPD;
Dark Skies SPD 2014;
Landscape Character SPD;
Wye Village Design Statement

National Planning Policy Framework

- 5.3 The updated National Planning Policy Framework (NPPF) was adopted in February 2019, setting out the Government's planning policies for England and how these are to be applied by Local Authorities.
- 5.4 The NPPF sets out the economic, environmental and social planning objectives for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.
- 5.5 The NPPF introduces a presumption in favour of sustainable development. Paragraph 11 requires Local Authorities to provide for objectively assessed needs for housing and with regard to decision taking on planning applications, 11 c) provides that development proposals that accord with an up-to-date development plan should be approved without delay. Part 11 d) additionally requires that where policies which are most important for determining the application are out of date, permission should be granted unless the policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.6 Paragraph 59 requires a sufficient amount and variety of land to come forward where it is needed to significantly boost the supply of homes. Paragraph 60 requires that strategic policies are informed by a local housing need assessment.
- 5.7 Paragraph 62 advises that where a need for affordable housing is identified planning policies should specify the type of housing required and expect it to be met on site unless off site provision

or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the creation of mixed and balanced communities.

- 5.8 Paragraph 92 addresses the importance of social, recreational and cultural facilities and services the community needs advising that policies should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments, guarding against the unnecessary loss of valued facilities and services.
- 5.9 Part 15 of the NPPF relates to the conservation and enhancement of the natural environment including international, national and locally designated sites. Paragraph 175 advises that when determining planning applications, if significant harm to bio diversity resulting from development cannot be avoided, adequately mitigated or compensated for then planning permission should be refused.
- 5.10 Paragraph 177 advises that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans/projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 5.11 Chapter 16 of the NPPF refers to conserving and enhancing the historic environment. Paragraph 189 highlights that local planning authorities should require applicants to describe the significance of any affected heritage assets, including any contribution made by their setting. Where a proposal site includes heritage assets with archaeological interest, local planning authorities should require developments to submit an appropriate desk-based assessment and where necessary a field evaluation.
- 5.12 Paragraph 185 refers to the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring and the opportunities to draw on the contribution made by the historic environment or the character of a place.
- 5.13 Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.14 Paragraph 192 highlights that local planning authorities should take account of the following in determining applications:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.15 Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.16 Paragraph 194 highlights that substantial harm to or loss of grade II listed buildings or grade II registered parks or gardens should be exceptional. Harm to or loss of assets of the highest significance, notably, inter alia, scheduled monuments and grade I and II* listed buildings should be wholly exceptional.

Ashford Local Plan 2030 (February 2019)

- 5.17 The Ashford Local Plan 2030 was adopted in February 2019 and is the main development plan for the borough. It superseded the Ashford Borough Local Plan 2000, Local Development Framework Core Strategy 2008 and Tenterden and Rural Sites DPD. Key policies relevant to the proposals are summarised below.
- 5.18 Policy SP1 'Strategic Objectives' highlights the objectives which have identified to deliver the 'vision' for the borough. Development should be focused at accessible and sustainable locations which make the best use of suitable brownfield opportunities. The Council will seek to conserve and enhance designated and non-designated heritage assets in a way that promotes distinctive places, proportionate to their significance. A mix of housing types and sizes should be provided to meet the changing housing needs of the local population.
- 5.19 Policy SP2 'The Strategic Approach to Housing Delivery' sets out the Council's housing target of 13,118 new dwellings within the borough between 2018 and 2030.
- 5.20 The Local Plan is based on a housing trajectory which sets out the components of supply, including windfall sites and those identified in neighbourhood plans.
- 5.21 The Local Plan requires 16,872 dwellings over the period 2011 to 2030, an annual requirement of 888. The Local Plan also requires the shortfall of 2462 units from the beginning of the plan period to be met over the first seven-year period up to 2024/25.
- 5.22 Policy SP6 'Promoting High Quality Design' requires development to be of high-quality design that responds positively to design policy and guidance at local and national levels.

- 5.23 Policy HOU1 'Affordable Housing' states that the Council will require the provision of affordable housing on all schemes promoting 10 or more dwellings. Wye falls within Zone C which requires 40% of total dwellings to be affordable and comprise a mix of 10% affordable/social rented and 30% affordable home ownership products (including a minimum of 20% shared ownership). Part 2 of the policy recognizes that this requirement will be considered against viability on a case by case basis.
- 5.24 Policy HOU3a 'Residential Windfall Development Within Settlements' states that residential development of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines of Wye, amongst other settlements. The following conditions must be met:
- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
 - b) It would not create a significant adverse impact on the amenity of existing residents;
 - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
 - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
 - e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
 - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
 - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
 - h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
- 5.25 Where a proposal is located within, or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.
- 5.26 Policy HOU12 'Residential Space Standards' requires all new residential development, including dwellings created through conversion, to comply with the Nationally Described Space Standards.
- 5.27 Policy HOU15 'Private External Open Space' requires new dwellings to be provided with an area of private open space. For flats, a minimum of 5 sqm of private outdoor space should be provided for 1 or 2 bedspace dwellings and an additional 1 sqm for each additional bedspace.
- 5.28 Policy HOU18 'Providing a Range and Mix of Dwelling Types and Sizes' requires proposals of 10 or more dwellings to deliver a mix of dwelling types and sizes to meet local needs. The specific

mix should be informed by evidence that is robust, up to date and provides an assessment of need.

- 5.29 Policy EMP6 'Promotion of Fibre to the Premises' requires new development to deliver fibre as an essential infrastructure. Proposals should be supported by a statement establishing how fibre will be provided unless not practical viable or feasible to deliver.
- 5.30 Policy TRA3 (a) 'Parking Standards for Residential Development' requires the following minimum parking standards:
- 1 bed dwelling – 1 space per unit
 - 2 bed dwelling – 2 spaces per unit
 - 3 bed dwelling – 2 spaces per unit
 - 4 bed house – 3 spaces per unit
- 5.31 Policy TRA4 'Promoting the Local Bus Network' states that applications should demonstrate whether modal shift in favour of public transport can be achieved through existing bus services or improvements to the network as a key determinant of the scheme's sustainability. This should be demonstrated through a Travel Plan.
- 5.32 Policy TRA5 'Planning for Pedestrians' requires development proposals to demonstrate how safe and accessible pedestrian access and movement routes will be delivered and how they will connect to the wider movement network. Opportunities should be taken that encourage journeys on foot.
- 5.33 Policy TRA6 'Provision for Cycling' seeks to improve conditions for cyclists. Flats should provide a minimum of 1 cycle parking space per unit.
- 5.34 Policy TRA7 'The Road Network and Development' highlights that proposals which generate significant traffic movements must be well related to the primary and secondary road network. Applicants must demonstrate that traffic movements to and from the development can be accommodated, resolved, or mitigated to avoid severe cumulative residual impacts.
- 5.35 Policy TRA8 'Travel Plans, Assessments and Statements' requires planning applications to be supported by a Transport Assessment/Statement.
- 5.36 Policy ENV1 'Biodiversity' supports proposals that conserve or enhance biodiversity. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity.
- 5.37 Policy ENV4 'Light Pollution and Promoting Dark Skies' sets out the Council's expectations in terms of any lighting proposed within developments and highlights that lighting should be provided at the minimum that is appropriate for its purpose.

- 5.38 Policy ENV7 'Water Efficiency' states that all new residential development must achieve a water use of no more than 110litres per person per day.
- 5.39 Policy ENV8 'Water Quality, Supply and Treatment' requires major proposals for new development to demonstrate that there are or will be adequate water supply and wastewater treatment facilities in place to serve the whole development. All development proposals must provide a connection to the sewerage system at the nearest point of adequate capacity wherever feasible, as advised by the service provider and ensure future access to existing sewerage systems for maintenance.
- 5.40 Policy ENV9 'Sustainable Drainage' states that all development should include appropriate sustainable drainage systems.
- 5.41 Policy ENV12 'Air Quality' states that all major development proposals should promote a shift to the use of sustainable low emission transport. Proposals that might lead to significant deterioration in air quality will require the submission of an Air Quality Assessment.
- 5.42 Policy ENV13 'Conservation and Enhancement of Heritage Assets' supports proposals which preserve or enhance the borough's heritage assets. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings into appropriate and viable use consistent with their conservation will be encouraged.
- 5.43 Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their setting unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.
- 5.44 All applications with potential to affect a heritage asset or its setting should be supported by a description of the asset's historic, architectural or archaeological significance with an appropriate level of detail relating to the asset and the likely impact of the proposals on its significance.
- 5.45 Policy ENV14 'Conservation Areas' states that development within Conservation Areas will be permitted provided that the proposals preserve or enhance the character and appearance of the area and its setting.
- 5.46 Policy ENV15 'Archaeology' highlights that Scheduled Monuments and other important archaeological sites, together with their settings, will be protected and where possible enhanced.
- 5.47 Policy COM1 'Meeting the Community's Needs' states that infrastructure and facilities required to meet the needs generated by new development shall be provided as the community is established. The loss of existing community infrastructure will be resisted unless sufficient evidence has demonstrated that they are no longer required or obsolete and that suitable replacement provision will be provided or is located nearby.

- 5.48 Policy COM2 'Recreation, Sport, Play and Open Spaces' requires qualifying development proposals to deliver new facilities or enhance existing facilities to improve their quality, availability and/or accessibility.
- 5.49 Policy IMP1 'Infrastructure Provision' states that development shall make provision to meet the additional requirements for infrastructure arising from development
- 5.50 Policy IMP2 'Deferred contributions' states that where proposals do not meet all of the policy and infrastructure requirements it must be supported by viability evidence that establishes any departure from policy.

Wye Neighbourhood Plan

- 5.51 The Wye Neighbourhood Plan was adopted in 2016 and is an essential part of the Development Plan for Ashford Borough, and one of the key documents for determining planning applications within Wye and Hinxhill Parish.
- 5.52 Policy WNP2 High Quality Design states that proposals for all forms of new development must plan positively for the achievement of high quality and inclusive built and landscaping design, at the same time demonstrating that they have sought to conserve local distinctiveness and the aesthetic qualities of traditional rural settlements.
- 5.53 Policy WNP3 Traffic Impact advises that new developments will only be permitted if they would not cause a significant increase in the volume of traffic leading to identified locations within the village.
- 5.54 Policy WNP5 'Integrated housing' states that:
"local needs housing should mainly be met by integration within the affordable housing component of any new developments in Wye."
- 5.55 Policy WNP6 'Mixed Development' states that:
"Development proposals for the WYE3 site should deliver a mix of uses, including education, business, community infrastructure and some housing. Given the scale of the site in relation to the village, such development should be delivered in a phased manner in accordance with a masterplan that has been adopted as a Supplementary Planning Document by Ashford Borough Council..."
- 5.56 Policy WNP7 'Community support' requires developer contributions through CIL and Section 106 agreements where new housing is proposed.
- 5.57 Policy WNP8 'Countryside and environment' requires all new development to respect the qualities of the Kent Downs AONB. Development that is harmful to these qualities will only be permitted

in exceptional circumstances. The policy also sets out the landscaping details which should be provided with any application of more than five dwellings. Furthermore, proposals should address any ecological impacts.

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

5.59 Policy WNP10 'Density and layout' states that

"densities should reflect the existing pattern of housing at 20-30 dwellings per hectare. Development will be encouraged to provide links with safe walking and cycling routes to the village centre, facilitating access to schools, the surrounding countryside and station - minimising the need for car use. The loss of existing footpaths and cycleways will be resisted. New development should be built round the idea of a walkable village with integrated adequate pathways directly connecting to the centre of the village. Major developments should be designed to provide new green amenity spaces, reflecting and extending the existing network of accessible green space running through the village."

5.60 Policy WNP11 'The former Imperial College London Campus at Wye' sets out the mix of uses proposed on the former Imperial College London landholding including education, business, community infrastructure and housing.

Superseded Planning Policy

5.61 At the time of submission of the application, the Development Plan for the site included the Ashford Borough Local Plan 2000 and Local Development Framework Core Strategy 2008 and the Tenterden and Rural Sites DPD also set out relevant policies and site allocations. These documents have since been replaced by the Ashford Local Plan 2030 however given their relevance at the time of submission, key policies are listed below for ease of reference.

Ashford Borough Local Plan (June 2000)

EN10 - Development on the edge of existing settlements
EN12 - Private areas of open space
EN16 - Development in conservation areas
EN 23 - Sites of archaeological importance
HG3 - Design in villages
HG5 - Sites not on the Proposals Map
LE5 - Equipped public open space
LE6 - Off-site provision of public open space
LE7 - Play facilities
LE8 - Leisure facilities
LE9 - Maintenance of open spaces
CF21 - School requirements for new housing development

Local Development Framework Core Strategy 2008

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

Tenterden and Rural Sites DPD

TRS1 – Minor residential development or infilling
TR7 – Retention of existing employment sites and premises
TRS11 – Conversion of rural buildings to non-residential uses
TRS13 – Conversion of rural buildings to general residential uses
WYE3 – Imperial College Wye
TRS17 – Landscape character & design
TRS18 – Important Rural Features
TRS19 – Infrastructure provision to serve the needs of new developments

5.62 The former TRSDPD Policy WYE 3 ‘Imperial College, Wye stated:

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

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

6. List of Possible Conditions

- 6.1 The appellant and ABC have reviewed the proposed conditions and a list has been sent to PINS of the agreed conditions, identifying those few conditions where agreement has not been reached.

Draft S106 Terms

- 6.2 Whilst the completion of the s106 agreement and the wording of the clawback clause was one of the unresolved matters at the time of the appeal submission, the latter point, namely the clawback clause wording, has now been agreed. The full agreement of the s106 is subject to ongoing discussions with the Council, with the intention to have this agreed in advance of the Inquiry sessions commencing.

- 6.3 Regarding the s106 agreement, the following Heads of Terms are agreed.

1. Vacant Buildings Credit is applicable, hence there are no provisions with regard to Affordable Housing.
2. The development proposals fall below the viability threshold – this was confirmed by the Councils consultants review of the Viability Report on the development of Wye College, Wye.
3. It is agreed that the Council's Deferred Contributions Policy will be applicable; under these provisions, once a certain level of viability is achieved, 60% of any uplift above this threshold, will contribute to an agreed list of S.106 contributions, up to a limit of £291,991.89, plus indexation.
4. Two contributions have been agreed to be "initial (pay regardless)" contributions; these are:
 - i) Kent County Council footpaths/public rights of way – resurfacing length of footpath AE110 along the side of allotments that forms part of North Downs Way: £10,000
 - ii) Monitoring fee: £1,000
5. Contributions, subject to justification by ABC, in respect of the following infrastructure become payable in the event that the GDV figure, plus an agreed buffer, is exceeded:
 - i) Primary Education – new group room at Wye Primary School – Kent County Council
 - ii) Secondary School – towards Norton Knatchbull Hall expansion – Kent County Council
 - iii) Wye Library – Book Provision – Kent County Council

- iv) Health Care – New Floor Space at Wye Surgery – NHS/CCG
- v) Outdoor Sports – Wye
- vi) Informal/natural green space
- vii) Children and Young People’s Play Space (Equipped Play)
- viii) Cemeteries – Extension to Church Field burial ground
- ix) Allotments
- x) Strategic Parks

6.4 With regard to the terms of the clawback clause, which will be inserted into the s106 agreement, it is agreed that the scheme has a GDV of £19.6m. Should, following review, a GDV above this level be achieved, then the increase will be split 60/40 in the Council’s favour to pay the financial contributions set out above at 6.3(5), capped at £291,991.89 (plus indexation).

6.5 The assessment of the GDV will occur once 80% of the units are occupied and any payment due will be made before 90% of the units are occupied.

7. Others Matters

7.1 The Council has confirmed that it will no longer pursue the case in respect of the community use of the Latin School. Accordingly the outstanding legal obligation, impacts of the scheme upon Stodmarsh and the conditions at dispute identified in the submitted schedule remain the only issues between the two parties. Assuming the S106 obligation is completed prior to the Inquiry and that it is acknowledged that the Inspector is the competent authority in respect of the Stodmarsh issue, the only item then remaining for this appeal is the wording of the disputed conditions. It is also of note that the listed building consent application that accompanied this full application has been approved.

7.2 Agreed matters are set out as follows:

Principle of Development

7.3 The principle of development is fully supported. It is agreed that sufficient marketing has been undertaken to satisfy the requirements of policy WYE3, demonstrating that there was no requirement for the continued use of the buildings for educational and associated uses. Housing with community use was agreed to be a more realistic prospect.

7.4 Development of the listed building complex, given its constrained nature, is appropriate in advance of the adoption of a Masterplan for the wider settlement.

7.5 Reduction in population as a result of the decline of the college has had a negative impact on businesses within the village. An increase in population at the heart of the village would benefit footfall and trade within the village.

7.6 The residential change of use, together with provision of community uses, is supported, subject to the outstanding matters. It preserves heritage assets in a manner appropriate to their significance and is considered to be the suitable option for the regeneration of this site.

7.7 The sensitive nature of the conversion will respect the special character of the buildings, securing the long-term future of these heritage assets.

7.8 The two additional new build residential units towards the northern boundary of the site, within the parking court area, lie within the village envelope and constitute minor residential development on previously developed land.

7.9 Existing non-listed buildings towards the northern part of the site, identified for demolition, are of no architectural or historical merit and their removal is agreed. The replacement buildings will enhance the appearance of the Conservation Area.

7.10 ABC have confirmed that they are not suggesting that the scheme should be refused on heritage grounds.

Housing Land Supply

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

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

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

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

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

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

7.17 The requirement shown in CD2a is summarised in Table 1 of the AMR:

Table 1 Five Year Housing Requirement 2020 - 2025

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

- 7.18 Against this, the CD2a shows a potential deliverable supply of 7110 dwellings in the same period 2020-25. This includes large and small sites with detailed planning permission; those under construction (but not complete); those allocated in the development plan (Local Plan and Neighbourhood Plans) with outline planning permission and those where no planning permission exists; and a future windfall allowance.
- 7.19 This supply includes an assumed supply from all of the sites in combination in appeals A, B and C of 50 units which the Council assume will be delivered within this 5 year period.
- 7.20 This equates to a shortfall over the 5 year period of 295 dwellings, a position equal to 4.8 years supply as at a 31 July 2020 base date.
- 7.21 It is agreed that the housing land supply position is now below the 5 year minimum required by paragraph 73 of the NPPF and that under the terms of paragraph 11 d) of the NPPF, applies for this reason. Therefore planning permission should be granted unless i) the application of policies in the Framework that protect assets or areas of particular importance provide a clear reason for refusing development or ii) any adverse effects would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
- 7.22 The available supply is shown in Table 2 of CD2a with the resulting calculation in Table 3:

Table 1 Five Year Housing Requirement 2020 - 2025

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

Table 2 Breakdown of sites contributing to Land Supply

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

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

Table 3 Housing Land Supply Calculation

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

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

Housing Delivery Test

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

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

7.25 This requires an Action Plan to be prepared by the Council in order to address the reasons for under delivery and bring forward measures to boost supply. An Action Plan has been prepared (included as CD2b).

7.26 In CD2a it is identified that delivery in 2019/20 was also below the required trajectory, with delivery of 746 homes, 142 dwellings below the annual target of 888. Based on this the next MHCLG HDT is likely when published in February 2021 to show delivery at around 87% of the required trajectory over the last 3 years. This is illustrated below:

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

Stodmarsh

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

7.28 The table below reproduces part of Table 4 of the ABC July 2020 HLS Update (CD2a) omitting the deliverability commentary and adding green shading to those sites that are shown on the

subsequent figure as lying within the Stodmarsh catchment. Column 4 is added which simply totals the number of dwellings assumed from these sites for factual comparison.

7.29 At the current time the Council have indicated that they cannot provide any further evidence on the impact of this on housing land supply.

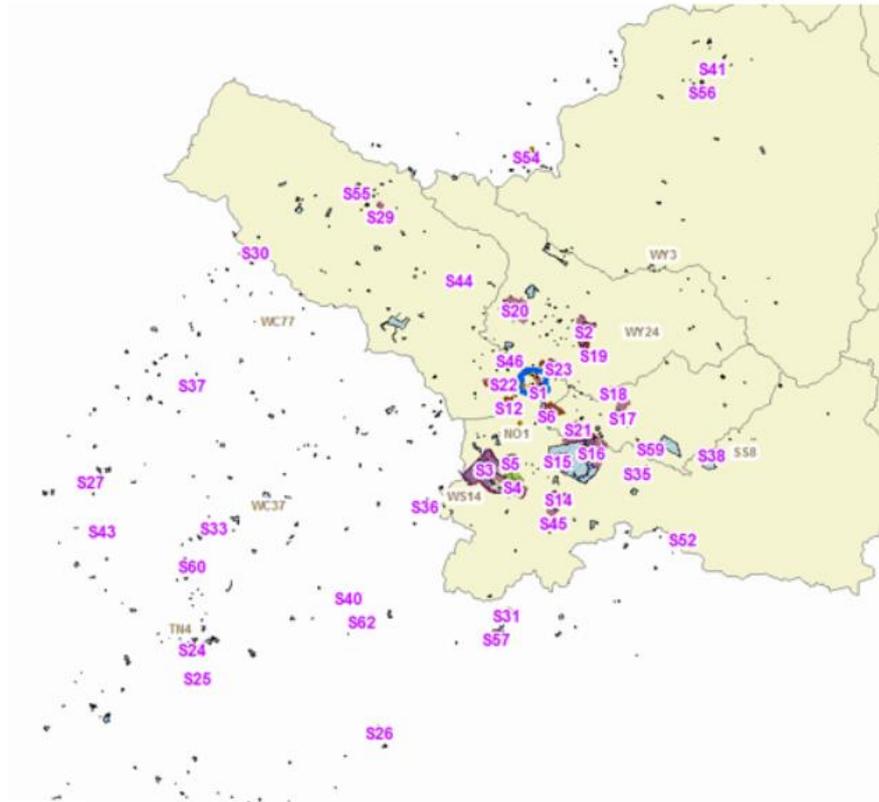
7.30 The Appellant considers that there will be an adverse impact on supply.

7.31 It is agreed however, between the principal parties that the Inspector can draw his own conclusions as to the implications this may have on supply.

7.32 Whatever the effect of the Stodmarsh issue, it is agreed between the parties that the Inspector does not need to consider further the scale of the HLS deficiency, since it is already agreed that paragraph 11 d) applies. The table below supersedes that provided by Steve Fidgett in Appendix 1 of his proof of evidence.

1	2	3	4
Site Ref	Address	ABC Assumed Deliverable Supply	Within Stodmarsh
Sites with OLPP			
VC14	Elwick Road Phase 2	200	200
S16	Waterbrook	150	150
S28		20	20
S29		40	40
S33		28	
S55		180	180
S60		30	
	Chilmington	0	

Total O/L PP		648	590
Sites without PP			
S1		244	244
S2		288	288
S3		130	130
S4		150	150
S5		100	100
S6		364	364
S8		40	40
S9		0	0
S10		0	0
S11		0	0
S13		50	50
S15		0	0
S19		100	100
S20		130	130
S24		150	
S26		12	
S30		15	15
S31		113	
S32		10	
S38		35	35
S40		10	
S45		100	100
S46		50	50
S51		6	6
S52		11	11
S54		19	
S56		10	10
S57		50	
S59		0	0
S62		30	
WNP11		50	50
RNP2		0	
RNP3		5	
Total No PP		2272	1509
Combined Total		2920	2099



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

Wye 3 Masterplan

- 7.33 The application site forms a small area of the wider emerging Wye 3 Masterplan area. The self-contained small-scale development proposed would not prejudice the future development of the rest of Wye3.
- 7.34 The new building houses, car parking area and access will not have an adverse impact on the setting of the listed buildings. The layout is efficient and areas of vehicular movement are as compact as possible and avoid the footpath running through the site. The car parking layout and parking barns are regarded to be somewhat typical of outbuildings in the village and the historical development of college and rural buildings across the site. The car parking layout and parking barns are typical of the historical development of the site. Increased car parking and refuse circulation would not be appropriate.
- 7.35 The layout as proposed, apart from the area of contention around the Latin School is considered acceptable.

- 7.36 The existing buildings have been subject to deterioration through weather and vandalism, since they have lain vacant, and there is an urgent need to secure repair and restoration.

Impact on Heritage Assets

- 7.37 It is agreed that both internal and external alterations proposed are acceptable and will see the repair and restoration of the buildings, any negative impacts would be negligible. The positive benefits to heritage assets in this case should be accorded substantial weight. Likewise, landscaping and curtilage treatment is acceptable and would see the extensive restoration of the gardens, in line with the requirements of the Conservation Officer and English Heritage.
- 7.38 Impacts on archaeology and the Scheduled Ancient Monument have been minimised and the appearance of the Conservation Area would be improved through building restoration and removal of more modern buildings. Overall, the heritage assets would be sustained and enhanced by the development, subject to the concerns regarding the use of the Latin School.
- 7.39 Allocation as an Asset of Community Value is a material consideration in the assessment of a planning application, although it does not preclude alternative uses for such an asset from coming forward.
- 7.40 The proposed floorspace for use by the Heritage Centre is larger and more practical than the existing floorspace utilised by the Heritage Group and the latter group support the relocation out of the Latin School and into the new heritage centre.
- 7.41 Communal residential use of the Lecture Theatre Main Staircase, Jacobean Dining Room (plus adjacent room) and the Old Hall, is appropriate for appropriate small scale private social events. Use of the Old Hall, Main Staircase and Lecture theatre for organised communal tours, gatherings and visits is appropriate by prior arrangement, the details of which will be set out by condition.
- 7.42 Through the provision of access to the general public to the important areas of the complex, the proposal would comply with relevant policy context.

Design Quality

- 7.43 The scale, form, design appearance and materials proposed will be of high quality and is supported.
- 7.44 Restoration and retention of the wood and iron workshop main house is supported, as is removal of modern, single storey flat roofed structures which adjoin it. The replacement car ports are also supported as they largely replicate the form and siting of the original outbuildings, creating a semi enclosed courtyard, comprising parking areas and private gardens.

- 7.45 The two new houses are well located, retaining the wider pattern of development and separation distances between buildings. Their scale would not have an overbearing impact on the listed buildings and the removal of existing modern buildings with no architectural merit would improve the setting of the listed buildings. The new houses are typical of the built form within the village and wider AONB and in keeping with the Conservation Area designation. The design of the complex, series of intimate spaces and landscaping between and around the buildings and the overall complex would enhance the historic character and setting of the college buildings.
- 7.46 The parking courts are well designed and incorporate high quality materials and landscaping, reflecting the character of other enclosed spaces within the village. Landscaping is sensitive and will restore the former glory of the complex, improving the quality of life for residents and public views from within the village.
- 7.47 Proposed materials are sensitive and appropriate to the Conservation Area, matching the traditional fabric in terms of colour, texture and appearance.

Highways, Traffic and Parking

- 7.48 The development would not have an adverse impact on the local highway network and there is no concern over highway capacity.
- 7.49 On site car parking meets the standards of the Councils Residential Parking SPD and would have no impact on on-street parking in the vicinity and is therefore acceptable. The car parking is secure, safe and conveniently located.
- 7.50 Relocation of the Squires Cottages parking bays from the northern side of the dwellings, to the western side is supported.
- 7.51 The scheme would be within easy walking distance of village amenities and accessible to existing public footpaths and thus accords with policies contained within the Neighbourhood Plan. The public footpath running through the development would be enhanced, making it feel safer and more attractive for users.

Impact on the AONB

- 7.52 Sensitive design and siting of the two new houses and car barns would improve the appearance of this part of the site and means the development would have no adverse impact on the AONB. Likewise the proposed landscaping scheme also supports the characteristics of the area.
- 7.53 The quantum of glazed elements of windows, gable elements and balcony balustrading have been reduced from the new build houses, satisfying the previous comments of the AONB unit.

- 7.54 It is concluded that the proposed development would not negatively impact on the local tranquillity of the Kent Downs AONB. Neither would it negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB.
- 7.55 It is agreed that the historic and locally distinctive character of the rural settlement and buildings of the AONB would be maintained and strengthened.

Drainage and Flood Risk

- 7.56 It is agreed by Southern Water, KCC Flood Officer and ABC Engineers that the surface water drainage proposals are appropriate (subject to detailed conditions). It is agreed that the proposal is acceptable in drainage terms, subject to conditions as recommended by Southern Water.

Impact on Residential Amenity

- 7.57 It is agreed that there are few residential dwellings adjacent to the application site and any disturbance from vehicle movements, to the northernmost cottage at Squires Cottage, would be mitigated against through the provision of an acoustic barrier along the northern section of garden wall.
- 7.58 As such, it is agreed that there would be no adverse impacts on residential amenity. All dwellings would comply with Nationally Described Space Standards thus there would also be no impact on the residential amenity of future inhabitants of the converted and new residential units.

Refuse

- 7.59 The layout allows for the collection of refuse, recycling and food waste and it has been demonstrated through the provision of tracking drawings that there is sufficient manoeuvrability for refuse vehicles.

Impact on Trees

- 7.60 The removal of a number of trees is accepted and required to facilitate the scheme and protect the fabric of the listed buildings. Replacement trees would be provided and further details of the landscaping could be secured by condition.

Ecology

- 7.61 Evidence of bat roosting was observed in the external fabric of the building, however it is agreed that the development will maintain the favourable conservation status of the buildings, subject to conditions.

Stodmarsh European Designated Nature Site

- 7.62 Stodmarsh lies east of Canterbury and is a Special Protection Area (SPA), Ramsar site, Special area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI) and parts are a National Nature Reserve (NNR). It is a site of national and international importance for a range of water dependent habitats and wildlife that relies upon them.
- 7.63 As a consequence of advice received by the Council from Natural England in July 2020, schemes for residential development that lie in the Stour Valley River Catchment area, such as this site must demonstrate that they would not cause further deterioration in the water quality of the Stodmarsh European designated site .
- 7.64 The impact of the scheme will be assessed by the Inspector as the Competent Authority and details have been submitted by the Appellant, to ABC, as part of this appeal to demonstrate the appellants suggested approach, setting out any mitigation required to mitigate the identified impacts. The Council will make no further comment on this matter. Sustainable Development and Construction
- 7.65 The development is sustainably located close to village amenities as well as walking and cycling routes. The conservation and reuse of existing buildings, plus the provision of new buildings on previously developed land is fully sustainable.
- 7.66 Given the nature of the development, achieving energy efficiency is more difficult than in a new build property and energy efficiency will be dealt with under building regulations.

Viability & Impact on Financial Contributions

- 7.67 Notwithstanding the Vacant Buildings Credit point, discussed further below, and following a review of the viability of the scheme, undertaken by Bespoke in December 2020, it is agreed that it would not be appropriate for any financial contribution to be payable for off site affordable housing.
- 7.68 The mechanism for calculating the review mechanism is now agreed, as set out above at paragraphs 7.3 and 7.4.
- 7.69 The Central Government expectation is that housing development should continue and it is agreed that this development constitutes an expensive refurbishment and reuse of historic buildings.

Vacant Building Credit

- 7.70 Given that the existing floorspace is greater than the proposed floorspace, vacant building credit has been applied, confirming that no affordable housing contribution is due. This confirmation,

provided by Lois Jarrett in her email of 9th November 2018, post-dated the planning committee.
The email in question is included as appendix 4 to this SoCG.

8. Conclusion

- 8.1 The scheme benefits from the fact that it was taken to planning committee with a recommendation to approve and that Members resolved to grant consent, subject to clarification of two matters. The first of those is anticipated to be concluded in the form of an agreed S106 Agreement to be submitted to the Inquiry whilst the Council has confirmed that it will not pursue the second matter relating to the community use of the Latin School any further.



L Westphal

Signed on behalf of Appellant	Signed on behalf of Local Planning Authority
Date 25 January 2020	Date 25.1.21
Position Director	Position Senior Planning officer