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**Halland Forge Application -WD/2018/0320/MAJ**

We, the Steering Group of the Village Concerns Action Group, represent the views of over 130 supporters from our community and we object to Planning Application WD/2018/0320/MAJ and wish to submit this Statement relating to the Appeal APP/C1435/W/19/3229579.

This application was refused by Wealden District Council and the appellant has appealed the refusal without making any significant changes or adding any substantive new information. The appellant has essentially just stated that Wealden were wrong. We would like to comment on the flaws in the appellant's Appeal Statement. We have also included at Annex A, our original objection to the application.

**Appellants Appeal Statement**

**Site Integrity**

A fundamental problem with this application is that it proposes to put a block of flats into the utility area of a hotel business with no boundary between the two buildings or their functions. The buildings would be about 1 metre apart. The area of the residential site is not defined. This is unacceptable and would create significant operational problems for the business, hotel guests and for occupants of the flats. The applicant does not seem to understand that hotel guests and families living in flats are not the same and that they cannot be expected to coexist in the same space without clear demarkation of who owns what and who is responsible for what.

The appellant's Statement of Case at Appendix D, Paragraph 5.7, indicates that traffic will still be allowed to move between the main hotel car park and the proposed site. This is highly likely to lead to conflict between hotel guests, staff and occupants of the flats.

The proposal indicates that the staff of the hotel would still use the area of the proposed development for all their utility activities, deliveries and for car parking.

This would create conflict over access and the use of space. The appellant dismisses one potential conflict relating to the turning of service vehicles (Paragraph 2.12 of Appendix D) by stating that this is not a problem as the site of the hotel and the proposed development are owned by the same person. This may be true now but this could change at any stage in the future so is an irrelevant argument. It is likely that once the Leaseholds of each flat are sold the Freehold for the whole residential site will be sold on to a property management company and not retained by the hotel owner. A conflict of interest will then exist between the 2 sites (at present undefined) and their occupants.

### **Building Design**

The design of the building is essentially the same as the proposed hotel extension. It is not a purpose designed building for flats in a rural community. The appellants Statement of Case argues at Paragraph 6.5 that NPPF Chapter 12 would favour this application under its title of “Achieving well-designed spaces”. This application is the antithesis of a well-designed space. It has no communal entrance or space for residents to meet, notice boards, or mail boxes. There is no allocated garden space or drying areas. The windows are too small and many of them overlook the hotel in close proximity.

### **Failure to Comply with Submission Wealden Local Plan**

The appellant’s Statement of Case lists (at Paragraph 5.4) the policies from the emerging Submission Wealden Local Plan that are relevant to this application. However, it makes no attempt to address them or to show that it complies with them. This is presumably because it singularly fails to comply with them. The appellant’s Statement of Case (at Paragraphs 6.9 to 6.12) makes the following rather embarrassing errors:

The appellant states that the emerging Submission Wealden Local Plan defines Halland as a Core Area. It does not. Wealden defines the settlement of Halland by Category as - Local Settlement and its Sustainability Category as - Unsustainable Settlement.

Wealden has identified a Core Area for the settlement of Halland that does not include the proposed site.

The appellant states that “The policy makes allocation of housing development for each ‘unsustainable settlement’ with ‘Halland’ given an allocation of 30 new dwellings.” No, it does not. Wealden has identified Settlement Capacities for Core Areas and the Settlement Capacity identified for the Halland Core Area is 30. A Settlement Capacity is not a housing allocation.

Within the same policy, Wealden also identifies a Windfall Allowance for each Core Area and for Halland this is Zero. Therefore, there is no Windfall Allowance to build within the identified Settlement Capacity for the Halland Core Area. The emerging Submission Wealden Local Plan is based on transport modelling for 14,228 homes that would exceed the 5 year land supply requirements but does not include any development in Halland. The Settlement Capacity for Halland and many other Core Areas are not included in Wealden's proposed development of 14,228 homes. The appellant needs to read the planning documents in a little more detail.

### **Traffic and Parking**

The appellant's Statement of Case states that the traffic movements for the approved hotel extension of 25 rooms would be more than that of the proposed 21 flats. This is a ridiculous statement.

It is likely that all the Flats would be occupied all the time and therefore always generate vehicle usage. The hotel occupancy is frequently very low and many of the existing rooms are unoccupied. The 25 rooms in the approved extension would have rarely been occupied and this is presumably why the extension is not now going ahead. Therefore vehicle trips generated by 25 hotel rooms would be significantly lower than 21 flats.

The typical usage of a hotel is 2 vehicle movements per day. A car arrives, stays all night and then departs. Each of the 21 homes in this rural unsustainable settlement would have to make constant trips by car. A home with school age children, a working parent and a parent who needs to shop or take some leisure time, might, by contrast, make 10 vehicle trips per day (school and back x 2, work and back, shops and back, leisure trip and back).

The appellant's Statement of Case at Appendix D makes great claim of the extra parking spaces that are being provided for the site as a whole but this is irrelevant as the occupants of the flats will have no right to use anything other than their allotted space. The parking allocation to the proposed development is 21. The disabled and visitor spaces are not relevant as they are not for use by the occupants of the flats. To provide 21 spaces for 21 flats in a rural unsustainable settlement is inadequate. Even a one bedroom flat is likely to have 2 working occupants each dependent on a car for their own working lives.

The TRICS data that has been used in Appendix D is highly questionable. The appellant states (at Paragraph 3.1.2 of Appendix D) that the data has been derived using residential sites in similar locations. However, it does not specify these "similar locations" and therefore the use of the figures has no credibility and all the calculations that follow cannot be assumed to be valid. The choice of "similar locations" is often a subjective view of someone who has a vested interest in proving that the proposed development generates very few vehicle

trips. The appellant's TRICs calculations should be disregarded until they publish the location data and it is proven to be "similar".

### **Rubbish Disposal**

The appellant's Statement of Case at Appendix D introduces a new idea to locate the refuse bins on the roadside of the Heathfield Road as opposed to the Bin Store already allocated inside the site. This idea is unsatisfactory. It is also an important alteration to the proposed application and should be included as an amendment for public comment to all residents in the area. It would be particularly relevant to the residents opposite and adjacent to it on the Heathfield Road. It would place an unattractive bin area on the roadside and entrance to the development. It would also be too far from the flats. The bin store should be adjacent to the flats and accessible by a refuse vehicle. If the footprint of the approved hotel extension doesn't allow this, then redesign it.

### **Bus Service**

The appellant's Statement of Case at Appendix D, Paragraph 7.5 has failed to notice that the bus service to Brighton, Lewes and Royal Tunbridge Wells has ceased. This is an example of how this unsustainable settlement has had its sustainability further diminished showing how the proposed development is highly unsustainable.

### **Missing Documents**

The appellant's Statement of Case at Appendix D indicates that it has included various Appendices 7.3, 7.4, 8.0, 8.1, 8.2 etc. None of these could be found. These are important documents as they purport to solve such things as the Swept Path Analysis issues on the site. If they exist they should be lodged on the Wealden planning website and public comment allowed before any Appeal is considered.

### **Summary**

This Appeal is deeply flawed. It proposes to build 21 homes on an unsustainable site that does not comply with the emerging Submission Wealden Local Plan. It seeks to use the building footprint and design of a hotel extension to provide living accommodation in a rural settlement. It is ill designed and totally inappropriate for a rural community. It seeks to place a residential community cheek by jowl with a hotel and inside the utility area of that hotel business with no proper demarkation. Wealden were correct to reject the original application and we urge you to reject the Appeal.

Jonathan Walker  
on behalf of Village Concerns

## Annex A

### Village Concerns Objection to Planning Application WD/2018/0320/MAJ dated - 18 October 2018

This application seeks to change the use of an application first made in 2005 for a 25 room extension to the Halland Forge Hotel. This application seeks to use the same footprint of the approved building to construct 21 new apartments in a single block. The already approved building is not suitable to be adapted to apartments. The layout of the apartments is unsuitable for a rural environment and it is highly unlikely that it would be approved if submitted as a new proposal. It should therefore be rejected.

### Failure to Comply with National Policy Planning Framework (NPPF) and Emerging Wealden Local Plan

It is apparent that the Emerging Local Plan has been written to comply with NPPF 2012 but it is understood that when planning applications are considered that the new NPPF 2018 will be applied. This objection therefore refers to both versions of the NPPF.

There are many reasons that this Application should be rejected but primarily this should be that it blatantly disregards the Emerging Wealden Local Plan and contradicts the direction of both the NPPF 2012 and NPPF 2018 to provide sustainable development.

The Emerging Wealden Local Plan is dismissed in this Application as having little or no weight. It fails to consider the status of Halland as an Unsustainable Settlement with a tightly drawn Core Area that does not include this Site. It fails to acknowledge the Emerging Wealden Plan policies on protecting the vulnerable Lewes Downs Special Area of Conservation (SAC) and Ashdown Forest SAC. It ignores the transport modelling done to support the Habitat Regulations Assessment that gives very clear direction that the “in combination effect” of all additional vehicle movements will have on the SACs. Paragraphs 196 to 198 of NPPF 2012 and Paragraph 48 of NPPF 2018 are very clear that “Local Planning Authorities may give weight to relevant policies in emerging plans and the more advanced its preparation, the greater the weight that may be given”. Wealden have stated that the Emerging Plan has limited weight but is a material consideration in any Planning Decision. It indicates a direction of travel.

The proposal to build 21 homes in an Unsustainable Settlement is not sustainable and would cause demonstrable harm under Paragraph 14 of NPPF 2012 and Paragraph 11 of NPPF 2018.

Paragraph 72 of NPPF 2012 and Paragraph 94 of NPPF 2018 directs that sufficient school places should be available. The closest schools are already full and the developer has not shown where the new residents would find places.

Paragraph 29 of NPPF 2012 and Paragraph 103 of NPPF 2018 directs that new developments should limit the need to travel. There are no local school places, no adequate local facilities and no local jobs. All residents would therefore be forced to travel for school, employment, shopping and leisure.

Paragraphs 56 to 58 of NPPF 2012 and Paragraph 127 of NPPF 2018 directs that developments are “visually attractive as a result of good architecture....and effective landscaping” and “are sympathetic to local character and history”. This Application is neither attractive nor sympathetic, has no landscaping and is a desk exercise of squeezing unwanted homes into a Hotel block.

### Faults in the Application Form

#### Parking

The Application proposes 33 parking spaces for 21 new homes. This is insufficient. This includes 2 disabled spaces and visitor spaces. The 21 new homes provide 30 bedrooms so that could amount to 60 people or more realistically 45. The modern tendency for people living in rural communities is that most individuals will have a car. It is highly probable that there will be more cars in this development than there are spaces. At a recent public meeting the owner of the Halland Forge stated that excess vehicles would be able to use the Hotel parking. This is unworkable. The 2 sites should be completely segregated.

The Application proposes that the spaces are not allocated to specific apartments. This would be chaotic and cause significant problems. The size of the parking spaces appears to be the absolute minimum possible. Many people living in rural environments have large vehicles to suit their work or lifestyles and large vehicles would immediately be a problem on this site.

The cycle store looks to be too small for the number of cycles that would be expected.

There is no parking allocated for Motor cycles.

There are no electric vehicle charging points.

#### Foul Sewage Disposal

The Application states that the method of Foul Sewage Disposal is unknown. This is unacceptable and a plan should be presented before approval is considered. It is assumed that the Foul Sewage would be connected to the

Sewage Works on the Heathfield Road opposite Fir Tree Cottage. It is not known how much spare capacity is available at this Sewage Works. This should be ascertained prior to any approval of this Application. It should be noted that the discharge from 21 homes would be much more significant than from 27 hotel rooms.

### Waste Disposal

The Application states that no arrangements have been made for the separate storage and collection of recyclable waste. This is unacceptable.

### Vehicle Access

The Application states that no alterations are proposed to the Vehicle Access but this is not the case. The Application proposes that the access onto Heathfield Road is Left Turn Only and this is a significant alteration.

### Flood Risk

The Application states in the section covering Flood Risk, that the proposal is not within 20 metres of a watercourse. This is not true. The OS map shows a stream running from the SE corner of the site which connects to the River Uck. This stream would be a few metres from the new building.

### Operation of Development

The Application gives no indication of how the Development would be operated. There is no indication if the properties being retained by the Hotel or sold on to a new Freeholder. The drawings suggest that there are no barriers between the Hotel and the new build. It is assumed that the Freeholder of the new building would be responsible for some (as yet unspecified) area of land around the new buildings and its parking area. At present the Hotel uses the area of the proposed development for its deliveries and administration of the Hotel business. There is the potential for people living in the new apartments to impinge on the Hotel business and its guests and vice versa. This would not be workable. The area that is to form this new development should be specified in the Application and a barrier should exist between the 2 sites. The Applicant should explain how they intend to run the Hotel business without access to the site of the proposed development.

### Planning Statement

The Planning Statement states that the Draft Wealden Local Plan carries little or no weight. This is not true. Wealden have asserted that it carries limited weight and is a material consideration in any planning application. The weight it carries increases every day that passes as it proceeds to adoption and is a clear

indication of the “direction of travel”. The emerging Wealden Local Plan should not therefore be dismissed in this way. The Planning Statement correctly points out that there is a presumption in favour of sustainable development but then contradicts itself by correctly stating that Halland is an unsustainable settlement. This means that developments in such communities should be smaller dwellings to meet the local need. Halland does not need 21 such dwellings in one building at the same time.

The Planning Statement states that Halland has an Allocation of 31 homes. This is wrong, it has a Settlement Capacity of 30 and this is not the same thing. Developments using Settlement Capacities can only be for up to 5 homes (Policy RAS 1) and only for 1-2 bedroom homes so that would rule out the 3 bedroom apartment.

There has been speculation that this application is being submitted on the grounds that this is a brownfield site under WLP 10. However, we contest this. The site of this apartment building is still a greenfield site despite the commencement of foundations for the utility buildings accompanying it. The commencement of the foundations for the utility buildings may mean that the original 2005 planning application has secured its continuance but the site of the apartment block is still a greenfield site. Irrespective of this, a requirement of a brownfield development under WLP 10 is that the site is connected via a public footpath to a sustainable development. The footpath from this proposal to East Hoathly is 2800 metres of often muddy uneven paths through isolated woodland and is not suitable to be considered as connecting this unsustainable settlement to East Hoathly.

### Traffic Congestion

Traffic Congestion is significant at peak times on the A22 and it is getting worse. The Planning Statement suggests that the impact of this new development would not have a significant impact on traffic in the local area. The additional traffic created by this proposal would produce an “in combination effect” on the local traffic and should not be ignored. This Application would create far more traffic than the 27 hotel rooms it replaces and it would be every single day, not the sporadic nature of hotel bookings. The Application states that the access via Heathfield Road would be Left Turn Only. This would push all the emerging vehicles into the congestion on the A22.

### Transport

The applicants own Transport Survey highlights huge problems with the access arrangements for this Application. None of these appear to have been addressed by the developer and the access arrangements are considered unworkable and unsafe.



The Application proposes a Left Turn Only access. It does not justify this with any argument or propose the required Transport Regulation Order that would be required to make this enforceable.

The visibility splays at the entrance are inadequate.

No Swept Path Analysis has been done to ensure that large vehicles can enter and exit without reversing into or out of the development. This would apply to emergency vehicles, refuse vehicles, removal vans and delivery vehicles. At present the Hotel uses this access for its deliveries and administration of the Hotel. It is not clear if it expects to continue this practise but if this is the case it would cause considerable problems to residents and it should be made clear if the Hotel expects to have any access through this entrance to the residential area. It should also be made clear where their parking and unloading bays would be. This has a significant impact on the safety of the residents area and the workability of this site for residents vehicles, delivery vehicles for residents, refuse vehicles and emergency vehicle access.

The increased use of the Heathfield Road access would cause a potential hazard to users of the adjacent public footpath into the woods.

The Transport Survey also states that the road surface is poor has a potentially dangerous Inspection Cover and has no provision to remove surface water being discharged into the main roadway.

The Transport Survey uses the TRICS system to calculate vehicle movements but does not cite the data sources for its calculations and their calculations should therefore be disregarded. It significantly underestimates the true situation. It also states that the new vehicle movements would have “no material effect on the highway network”. The significant amount of vehicle using this access would have a material effect on the A22 congestion. The Wealden Local Plan is very clear that it is “the in combination effect” of transport that is important.

### Surface Water Drainage

The Surface Water Drainage Survey should be re done as it is only based on 16 apartments. All its calculations are therefore inadequate. It also shows a map indicating the location on which the survey was based. This is about 250 metres away from the actual location and puts in question the validity of their results.

The surface water is proposed to be collected in a storage tank and then discharged into a stream to the SE of the site. It is probable that this stream can cope with the outflow but there should be concern about the effect of pollution on this watercourse. The run off from a 27 room hotel block is different to the run off from 21 homes. Families will be washing and servicing their vehicles in this area and the run off will enter the watercourse. They will be cleaning their

windows with detergents which will enter the watercourse. The Families will be creating refuse and spills that will all end up in the Surface Water Drainage. The Surface Water Drainage Survey ignores this change of use from Hotel to Homes and the effect it would have on the pollution of the watercourse.

### Habitat Survey

The Habitat Survey was carried out on 14 August 2018. It was dry and therefore the habitats surveyed were totally unrepresentative of the usual condition. Part of the Survey should assess the protection of watercourses but it seems not to see any problem with the pollution that will be caused by allowing the Surface Water to be discarded into a stream running through Ancient Woodland and feeding into the River Uck.

The Habitat Survey for the original 2005 Application has been resubmitted without amendment. This should have been redone. It includes an inadequate Great Crested Newt Survey. It identified 5 local ponds and could only do a remote visual survey of one of them. This is inadequate.

The current Sussex Biodiversity Records shows that GCNs have been found in abundance within 2 Km of the site and also in Halland. The Stream to the SE of the site is a prime site for foraging and resting newts.

Even if no wildlife is found adjacent to the site, the effect of polluted run off into the watercourse should be assessed for its potential impact on wildlife downstream.

### Additional Comments

One of the considerations of any proposal is the inclusion of provision for drying spaces and gardens for any new dwellings. The drying space allocated is adequate for a development of this size and would cause problems and conflict for residents. The Wealden Design Guide requires that each one bed apartment has 15 square metres, 2 bed - 25 square metres and 3 bed - 100 square metres of garden. Thus, the 21 apartments would require 475 square metres of garden. The Plans show no garden allocation and the only space that could reasonably be considered as garden space is an area to the NE of the block that is marked as 2 oak trees and rubble/tippings. The space appears large enough to satisfy the minimum of Wealden's Design Guide but it would need the rubble/tippings removed and turning into a proper garden space. The area backs onto the woodland and is additionally shaded by mature oak trees already in the space. A full assessment should be carried out to see if this would qualify as a suitable space for a communal garden. If it is too shaded and dominated by tree cover then it would not be acceptable. It should not mean that the trees are removed to make it so. The application should be rejected until this is fully planned.

The Wealden Design Guide also indicates that the Apartments should have a buffer zone in front of all ground floor windows. The plans show that this is not so for several parts of the building. The proposed building is ugly with small mean windows and it does not have the appearance of an attractive place to live.

The entrance to the block does not provide a suitable common space for the residents. It would be fine for a motel extension but not for the entrance to living accommodation. There should be space for mail, for notices, for meeting each other and sitting. There should also be an access system for residents to allow visitors to enter.

### Summary

The layout of the proposed building is not suitable for an apartment block in a rural setting. It is too close to a Hotel and does not appear to be segregated from this business. It provides no segregation from the delivery vehicles or administrative area of the rear of the Hotel. The proposed building is ugly and the windows appear too small. There is no adequate communal entrance. There is inadequate parking and no provision for motor cycles or electric vehicles. The effect of surface water run off polluting the ancient woodland and adjacent stream has been ignored. The access arrangements are inadequate and unsafe.

The Application fails to comply with the requirements of NPPF 2012 and NPPF 2018 to provide school places, limit additional travel or provide a good example of design. The Application disregards the Emerging Wealden Local Plan and does not meet the needs of an Unsustainable Settlement with a Core Area. It disregards the effect on local traffic congestion. It would not be accepted as a new application and should not be allowed to sneak in as a change of use to an existing approval. It should be rejected.