

PLANNING, DESIGN & ACCESS
STATEMENT

APPENDIX B



OUR REF: DM/PE/2017/0643/E
ASK FOR: Mr D Moss Tel: 01892 602509
DATE: 11 December 2017
YOUR REF:

Bob Lake
By e-mail

Kelvin Williams
Head of Planning and Environmental Services

Dear Mr Lake

**Re: PE/2017/0643/E
HOUSING AND NEW COMMUNITY HALL.
LAND OFF SCHOOL LANE, HADLOW DOWN, TN22 4JE**

I refer to the meeting with area team leader Douglas Moss on Tuesday, 21st November 2017. The meeting was attended by various people on behalf of the two schemes, including Mike Barber, Michael Lunn and Bob Lake. This advice builds on previous more detailed exchanges with the Council, which go back to the pre application reference PE/2011/0462/E, with the advice in chief being presented in a letter from the Council dated 21st October 2011. There are also a few e-mails exchanged with Bob Lake regarding trip generation issues and the Ashdown Forest.

The Project:

A small scale residential housing scheme on the site of the existing hall – possibly 3 x 2 bedroom units.

Redevelopment of the hall site: Main hall built to 'Sport England' size 18 x 10m (180 sqm) with a clear height over the playing area of 6m. (Compares to 14.5m x 8m (116 sqm) at Hut Lane). In other words an increase of the main function hall from 116 sqm to 180 sqm or a growth of 55%. 43 car parking spaces to be provided on land off School Lane.

Previous Pre Application Advice reference PE/2011/0462/E – summary: HPES letter issued 21st October 2011:

The technical or potential loss of recreation space within the village recreation ground would conflict with the requirements of the NPPF and saved policy LR2 of the Wealden Local Plan 1998. However, the officer was satisfied the loss of open space, which is not intensively used,



would be adequately compensated for by the more flexible facilities available within the new hall, e.g. badminton. The advice then became dominated by issues of how to address trip generation within 7Km of the Ashdown Forest SAC.

Previous Advice on Screening Options

A letter dated 28th April 2016 was issued to Hadlow Down PC setting out the information WDC would need to receive in order to determine whether the development would qualify as EIA development, or whether we could screen out the requirement for an Appropriate Assessment having regard to the nature of the replacement development and its likely significant effects upon Ashdown Forest SAC and SPA.

Under the EIA Regulations the development would be considered under Schedule 2, but would certainly require screening in view of its location within a sensitive area (High Weald AONB).

Constraints

The sites both lie outside of any development boundary, within the High Weald AONB and within about 6Km of the Ashdown Forest SAC and SPA.

There are no listed buildings or Conservation Areas which are affected by either site or potential development. Neither site lies within an Archaeological Notification Area.

Precedents:

Buxted Village Hall: WD/2014/0593/F was found to be compliant with the habitats regulations subject to the existing hall site being put to nil use by S106 Planning Agreement. It covered 312 sqm with a gross area of 339 sqm. This compared favourably with The Reading Room site, with an 'approved' permitted development extension of 325 sqm. This was described as a replacement hall of more contemporary and appropriate standard. The report at Buxted noted:

- Community centric focus.
- Comparable scale to the existing hall.
- Limited concern in terms of additional recreation pressures – specific non residential nature of the D1 use.
- Traffic movements from the existing hall formed the parish baseline.
- No new facilities were to be provided or planned as part of the development
- Scale was in line with the historic growth of the village
- Size was agreed having regard to the existing facilities being vacated.
- There was no reason to assume any increase in vehicle trips.
- Supported by Travel Plan
- Conditions imposed to restrict certain activities to those listed in the application.

Policies:

Saved Policy LR8 of the Wealden Local Plan indicates that: in exceptional circumstances proposals for new, extended or improved community facilities will be allowed providing the following criteria are met:

1. The proposed development is to meet the essential needs of the local community,
2. The proposed development can not be accommodated within the development boundaries
3. The proposed development would not be unduly intrusive in the landscape or detrimental to the character and appearance of the countryside.

Background to Ashdown Forest

The Ashdown Forest is designated as a Special Area of Conservation ('SAC') under the Habitats Directive and a Special Protection Area ('SPA') under the Birds Directive. It is also designated as a Site of Special Scientific Interest ('SSSI') under the Wildlife and Countryside Act 1981. The designation of the SPA was designated to protect the Nightjar and Dartford Warbler and the SAC and SSSI designations are the result of the presence of its rich invertebrate assembly and important heathland including extensive areas of lowland Heath, in particular European dry heath and North Atlantic wet heath communities, for which it is considered to be one of the best areas in the UK.

The Council has now conducted Air Quality Monitoring and Modelling using the UK Air Pollution Information System ('APIS'). APIS provides data on nitrogen pollution and its environmental impacts. In particular, it can discern what is known as 'critical load'; that being the level at or above which current scientific knowledge suggests there will be harm to specific habitats. APIS identifies the critical load for wet and dry heath (such as that in the Ashdown Forest SAC) as between 10-20kgN/ha/yr. Taking the precautionary approach required, the recommended value to use of impact assessments is 10kgN/ha/yr.

The year 1 Air Quality Monitoring and Modelling shows that the levels deposited within the Ashdown Forest SAC range from 8.6-55.7 kgN/ha/yr. The average deposition to heathland habitats is between 14.0 kgN/ha/yr and 14.3 kgN/ha/yr. Over the entire SAC the average deposition is 21 kgN/ha/yr.

The Council has also commissioned a new district wide transport model for the emerging Wealden Local Plan. This model identifies the increase in annual average daily traffic ('AADT') on roads crossing the Ashdown Forest from development within the Wealden district and development outside the district boundaries. The emerging data from the district wide transport model and from the air quality modelling is showing a greater level of traffic and deposition than first anticipated and this emerging data is currently being considered by the Council. The model shows that planning permissions already granted are exceeding the critical load.

As a result of the Council's evidence, which suggests that the critical load has already been exceeded, the current position is that until necessary compensation/mitigation measures are in place developments throughout the District (and indeed potentially in other districts) can only proceed where it can be shown that they will have no effect on the Ashdown Forest SAC (i.e. they will not generate additional vehicle trips on affected roads).

The Council's approach to this issue has been upheld by the High Court in *Wealden DC v Secretary of State* CLG [2017] EWHC 351 (Admin) in which Jay J held that a cumulative assessment of the effect of traffic movements from neighbouring authorities had not been properly carried out in advance of adopting their Joint Core Strategy under s 23 and 28 of the Planning and Compulsory Purchase Act 2004.

Update: Meeting with the Local Planning Authority on 21st November 2017

The purpose of the recent meeting was to look at two aspects, which are both linked in terms of planning proposals.

Project No1 is the clearance of the existing Village Hall and redevelopment of the site for small-scale housing. This is inextricably linked to provision of a new Village Hall on land at the recreation ground, School Lane Hadlow down.

Project No 2, concerns the provision of a new mixed use development on the recreation ground in School Lane comprising a replacement sports pavilion for the cricket team, combined with the new Village Hall with an improved sports hall and back up facilities. There would also be formalisation of a new car park close to the road frontage for 43 parking spaces.

Background

At the meeting it was explained that the existing hall dated from 1965, was inadequate in size to meet the current village needs. It was also clarified that the existing small sports pavilion which is of two storeys in height but with limited footprint was also inadequate for contemporary requirements associated with the recreation ground.

Planning Applications vs Community Right to Build

The initial part of the meeting considered the merits of how to tackle these proposals tied in with the community benefit. The two key options which are being explored by the Parish Council and Community Group concern engagement with Community Right to Build Orders (CRTBO), or alternatively the more traditional planning application route. Both approaches have pros and cons, but in this instance initial steps have been made to facilitate a CRTBO by defining a neighbourhood area, which is now agreed.

I will briefly focus on what I considered to be some advantages of adopting a planning application approach.

- Two community right to build orders will be required for the two separate sites.
- There are multiple stages to the CRTBO approach. This adds some complications and time lines. In this respect there are various stages which could result in multiple jeopardy to the projects, not least the route via an independent examiner and, of course, the community referendum. It would appear that there is less opportunity for lobbying your local Wealden Councillors and PCN committee to support the project. No WDC committee hearing would be scheduled under the CRTBO.
- Both approaches require detailed plans and also a screening exercise for environmental impact assessment. In addition, both approaches would be subject to a thorough screening exercise to determine whether an appropriate assessment was required in respect of impact upon the Ashdown Forest special protection area and Special Area of Conservation.
- Both approaches would be subject to a conformity test against national and local planning policy, with the emphasis on strategic policy and compliance with European Law. The decision on CRTBO would be bound by the views of the Independent Examiner, putting a key emphasis on one individual.
- Finally, it is my understanding that the CRTBO scheme, once approved, could not be easily amended, whereas planning permission can be subject to minor amendment and adjustment.

Overall, I took the view that purely from an administrative viewpoint and in terms of timelines and the ability of the community to influence the assessment of the scheme, the traditional planning application route seems to be more advantageous to the group. In coming to this view, there are obviously other matters, such as finance, upon which I have given no weight. These might be far more significant and need examination.

At the meeting it was agreed that both the environmental impact assessment screening and Appropriate Assessment could be done ahead of lodging a full planning application on either site. It would also be possible for both environmental assessment screening and for the appropriate assessment to be undertaken once the application for planning permission has been lodged with the council. One advantage of deferring the approach would be to ensure all the detailed reports required for this assessment of impact upon the Ashdown Forest will be complete with the application. It will be hard to prejudge the vehicle trip generation models without a lot of information. As stressed at the meeting, the most fundamental issue has always

been trip generation from the combined hall and pavilion developments, and how it can reasonably be demonstrated that the enlarged hall and Pavilion would not add to vehicle trips across the special area of conservation which lies about 5 1/2 km to The north-west.

The Housing Scheme

I shall now deal with the application for the new housing on the existing hall site.

The existing hall has a main hall area of 116 m². In line with the approach at Oxford Village some allowance has been made for extension under permitted development rights which might create about 55 m² bringing an overall size of about 171 m². However in the Buxted Hall case emphasis was placed upon the main hall as the key traffic generator beyond the environment of the village, with a key issue being the potential of an enhanced facility to draw in more significant events such as wedding receptions and hosting parties, et cetera.

The issue of a replacement hall on the recreation site ground is not a difficulty in principle. Providing small-scale housing on the Hall site in Hadlow Down could be regarded as an acceptable redevelopment for such brownfield land. I believe it would be possible to build three dwellings in a terraced format on the site at Hutt lane. I did mention to Mr Barber that the standard house type presented at the meeting would require some adjustment of scale height and depth to be in keeping with the site and AONB setting.

Turning to the Ashdown Forest constraint, there should be sufficient available trip credits in the immediate future to support residential redevelopment on this site by 3 x houses, creating about 15 to 18 trips per day. In this regard, whilst the whole site is previously developed land, all of the existing lawful hall use (trips) will need to be transferred to the School Lane site to enable that community facility project to progress (to replacement level).

In terms of the impact of the new housing upon the Special Protection Area, the Council would normally apply a planning condition requiring a contribution towards SANGS and SAMMs, and this would amount to approximately £6,170 per dwelling. Alternatively, if the development is to pay CIL (i.e. not made exempt), then no payment would be required under the planning condition. CIL would cover this mitigation as an integral aspect of the levy.

Overall, I consider an early application for small scale housing here could be supportable in principle, noting the shortage of five-year land supply and also previously developed status of the site. It is also the case that the site relates reasonably well to the settlement with its limited facilities. I would not regard this as isolated development. However you may well be aware that Hadlow Down has not been identified as a sustainable settlement. It has no development boundary, and this would clearly limit further significant growth potential.

The New Hall Project.

Clearly as part of the redevelopment of the hall site, the District and Parish Council together with the community will wish for security over the continued availability of a suitable hall for the village. It could well prove necessary to secure the development of housing with a link by planning condition or planning agreement to ensure no development of new housing takes place until the new Hall site is at least secured in principle. I am sure the community will give some thought to how the transfer between sites and the transition program can be managed to ensure the village has a minimal period where a community hall is unavailable.

Consistent with the position at Buxted village hall, the whole project will need to very carefully set out how the increase in community use floor area will not result in additional trips across the special area of conservation. The position regarding the Ashdown Forest has now become far more sensitive than when negotiations for the hall originally started in 2011. Indeed we have now moved from a 7 km zone of influence through to a 15 km zone and now a districtwide concern. Indeed there are some sensitivities about adjacent District development as well (i.e.

beyond WDC area). The reason for this is a stronger evidence base suggesting excessive harm through Nitrogen Oxide deposition and other pollutants upon the sensitive heathland. There is also a growing body of evidence to suggest this harm is being caused by vehicle journeys is generated from development further afield than just a more local 15 km zone.

Of course a village hall and, to lesser extent, the sports pavilion has potential for significant trip generation as referred to above. Ultimately there are two key benchmarks to start from and that is the existence of the current hall and all its potential use, and the existence of the sports pavilion. These are lawful buildings and they are part of the accepted background vehicle trip generation across the Wealden area. So ultimately they set a benchmark from which you can explore redevelopment (and possible mitigation of effects).

Given various matters discussed at the recent meeting there was insufficient time to tackle the trip generation issue in depth, although Mr Barber and I did manage to look at the design and generally whilst the proposed community building is very large, I could see no significant problems with the appearance and finished materials.

As before, there seem to be some key issues regarding the likely creation of vehicle trips from the site. These primarily relate to The Village Hall, (main activity hall), and the range of functions and uses that this can be put to. For example, it was mentioned that the hall would need a certain minimum floor area and height to enable it to be used for badminton and to gain funding support from Sport England.

As with all previous discussions, it is the versatility and attractiveness of the building beyond the scope of the Parish Area which will be the key debating point regarding the potential traffic generation within the Ashdown Forest.

Pavilion

Bringing the sports pavilion up to contemporary standards with reasonable up to date facilities, with ancillary to the use of the cricket ground for recreational purposes is fully understood, and there can be no doubt that the existing building is substandard and falls somewhat short of expectations proportional to the existing cricket ground. This needs to be carefully explained with the application. In effect the recreation ground is the principle existing lawful use and the pavilion should merely enable the use, as has been the case in the past.

Hall

Moving over to the whole building, much the same principle applies in terms of smaller back up facilities such as backroom offices, kitchen facilities, parish clerk office, cellar/storage areas, and stage which normally are more community related and, individually, present limited threat of broader traffic 'draw'. So the main concern relates to the larger hall and its potential applications related to trip generation and the Ashdown Forest. In the first instance, the application offers a new indoor facility to the village and surrounds that supplements the range of activities which the site can offer all year round.

In this regard I wouldn't anticipate standard TRICS trip data on such an increase size of hall is likely to present definitive evidence of no "likely significant effect" upon the SAC for the Ashdown Forest.

The application will need to very carefully explain how the reservations expressed here regarding potential increase trip rates can be localised to Parish need only. To that extent, Mike Barber and I thought it would be necessary to break down the building into its components to dispel fears that the possible cumulative growth in floor area by twofold would not result in additional trips further afield. (I believe the current comparison would be 300 sqm (existing cumulative pavilion + existing hall) and 645 sqm for the combined new building).

Ultimately this may well come down to how the hall operates and how this ties in with the historic use of the existing hall, regarding events held and how far afield they influence the catchment.

Because it is difficult at face value for you to show that such an increase would have negligible increase on trips from the site and therefore probably further afield, some initiatives will need to be considered to deal with his current issues, stemming from the Ashdown Forest. Some matters which the application may be able to draw support from concern:

1. A Travel Plan which will seek to impose a lower trip regime compare to what the existing unfettered hall can do. I would hope some initiatives could be binding on the new hall to assist in some reduction of trips.
2. Importantly, the Parish Council could consider some offsetting of nitrogen oxide and ammonia deposition from cars on the SAC by offering high-speed electrical car charging points in the car park and elsewhere. This may incentivise more local use of electric vehicles, and again brings with it some improvement on the status quo of the existing building. The Parish could also consider other initiatives to promote different behaviour, travel patterns and modes within the area, such as promoting local facilities and public transport links/services.
3. Another key area to resolve is the actual use of the main building and whether the Parish Council or community group could offer a Planning Agreement (heads of terms) which would restrict the use of the main hall and allay fears that the could become an attractive venue for Sports activities and receptions/parties. For example a planning agreement could confirm no use of the main hall for wedding receptions or parties, or limit any use to that historically related to the former Hall site. It might even offer to restrict the geographical extent of bookings (unless and until the Ashdown Forest constraint is resolved). This applies particularly to the indoor hall which creates a new dimension for extended use such as indoor badminton play.

Ultimately the significant growth in floor area needs to be broken down and fully explained to avoid the conclusion that this enhanced community facility will not be a districtwide, or greater area, attraction, rather than its current parish concentric nature.

Whilst it was mentioned at the meeting whether the hall could tap into trip credits within the parish or adjacent parishes, these are small scale trips, and a village hall use is much more complicated to assess under trip generation. I would have to rule out any prospect of offering any 'credits' that might exist at the time of application towards the hall as it could never be certain that the low number available would offer sufficient mitigation. The solution to the Ashdown Forest concern on air quality must be designed into the hall/pavilion scheme. If trip credits are available they can sponsor the development of the three houses, but not the community hall use.

Given the need to take advantage of credits as they are available, the District Council would have no problem with an early application for housing on the existing hall site in Hutt Lane, provided it was supported by a statement indicating a phased replacement of the hall elsewhere. In other words ensuring the village has continued access to a whole facility.

Car parking:

I have no details regarding the current car parking for the hall and pavilion, but would simply remark that the provision of 43 designated spaces on the School Lane site will be indicative of future use by vehicles, and if this figure is higher than the current combined parking for both the Hall and pavilion on their separate sites, this will be a negative indicator.

Access

The detail of the access arrangements at School lane will require assessment by the Highway Authority, noting there will, at the very least, be a transfer of trips from Hutt Lane and Hall Lane to School Lane. At this stage the best advice I can suggest is providing technical support in the Transport Statement to support the access to the combined site, also looking at sustainability of access, and safe non car modes to visit the facilities. As you know, the County Council as Highway Authority can offer pre application advice.

Reports with Applications:

- Planning Statement
- Design & Access Statement
- Transport Report
- Travel Plan: binding on users of the new hall & pavilion
- Ecology Phase I (or more detailed)
- Arboricultural Implications Assessment
- External Lighting scheme (e.g. low level lighting).
- Noise generating activities and Mitigation

Recommend planning report to cover: New hall and sports pavilion on New Site

- The comparative size of the new Community hall/pavilion (plans ideally)
- The size and detail of the old hall site – plan area. (survey drawing)
- The precise intentions for the land use of old hall building and site.
- Details of what is to be developed on the old hall site.
- The existing use characteristics of the established hall building as a base line.
- The intended use characteristics of the proposed community hall (with emphasis as in previous correspondence, upon the main hall usage, and faithfully picking up on any change in emphasis – notably uses which might widen the draw of the site for non parishioners.
- As with all out exchanges, we need to have a clear idea of the zone of influence of the community hall, and whether any growth in the development would lead to potential impact beyond the Parish boundaries, and most critically the Ashdown Forest Special Area of Conservation and Special Protection Area – noting the site does lie about 5.8Km (as the crow flies) from the Ashdown Forest SPA and SAC designated areas.
- Measures to mitigate trip generation from the new development (compared to unfettered operation of the old sites)

Other Matters:

- The layout should give generous protection to the root protection area of the trees forming the north boundary of the recreation field. The ultimate detail of the layout should ideally be informed by an Arboricultural Implications Report.
- Highways will comment in more detail on access and associated safety matters, but there would be a requirement to widen the access, and recess the gates so as to avoid any baulking of traffic on the access/egress. There may be other 'access and sustainability' improvements required, such as footpath links and cycle racks to encourage non car modes of transport.
- The general principles of the 'barn' style approach seem acceptable, subject to some refined detail on external appearance (materials). The orientation of the building on the skewed footing to Scholl lane should be explained in the D&A report. Officers welcomed the embracement of green initiatives, such as sustainably sourced materials in the development.
- Any related features which could be incorporated within the scheme regarding renewable energy would be likely to promote approval, in line with policy EN1 of the Wealden Local Plan.

This advice is given on the basis of currently available information and offered in good faith. This is a particularly difficult project given the current strategic environmental constraints affecting Wealden District. I would not pretend it will be easy to fully address the issues under the habitats regulations, given air quality issues are currently being identified with single dwellings throughout the District area. However officers remain keen to support the development of this project in principle and our local support through existing planning policies which support the direction of travel, save for how the matter of trip generation is addressed. This advice is given without prejudice to the dissemination of subsequent applications by the planning committee notes. Should any matters require clarification, please do not hesitate to contact me.

Yours sincerely,

Douglas Moss

for Head of Planning & Environmental Services