

FAIRLIGHT PARISH COUNCIL

Clerk to the Council: Pauline Collins

Mrs S Shepherd
Planning and Strategy
Rother District Council
Town Hall
Bexhill on Sea
TN39 3JX

10th February 2021

Dear Sir/madam

Re: RR/2020/151/P Pett Level Road - Land South of, Fairlight Cove, Fairlight

Outline: Development of 43 residential units (including 40% affordable), including new vehicular access from Pett level Road.

Fairlight Parish Council strongly opposes this application for the reasons set out below:

1. Comments on Application Documents

- 1.1 The application is in outline with all matters reserved apart from the means of access. The statements submitted with the application indicate that the scheme presents a feasible option for how the site could be developed. It must therefore be assumed that the illustrative layout represents the optimum type of development envisaged by the proposal. This section considers matters raised in the reports which are considered to need specific comment as they require clarification and in some cases rebuttal.

Planning Report

- 1.2 Paragraph 3.10 states that “The approach as detailed above ensured that the site could be delivered as closely as possible in line with the Council’s aspirations for the site and policy FAC2.”
- 1.3 The Council’s policy FAC2 which was adopted in December 2019, following an inspection, which found it sound, is as follows:

Policy FAC2: Land east of Waites Lane, Fairlight Cove

*Land east of Waites Lane, as shown on the Policies Map, is allocated for a comprehensive scheme comprising residential development, doctor’s surgery and amenity open space.
Proposals will be permitted where:*

- (i) *approximately 30 dwellings are provided in the residential area indicated on the Detail Map, of which 40% are affordable.*
- (ii) *at least 50% of the dwellings comprise appropriately designed, age restricted housing for older people.*
- (iii) *a serviced plot for a new doctors' surgery together with space for associated car-parking is provided, subject to business case support from the Clinical Commissioning Group.*
- (iv) *the development provides an amenity open space extending across the southern part of the site, as indicated on the Detail Map.*
- (v) *vehicular access is provided off Pett Level Road together with footways to link to the existing footway on the southern side of Pett Level Road and via a new pedestrian crossing to link to the footway on the northern side of the road, to the satisfaction of the Highway Authority.*
- (vi) *landscape planting is provided as indicated on the Detail Map, including a retained and enhanced tree belt on the eastern boundary; tree planting on either side of the access road; and new hedgerows on the northern and western boundaries. All planting shall be of native species.*
- (vii) *a detailed sustainable drainage strategy (SuDS), in accordance with Policy DEN5, is included and has informed the layout and form of development.*
- (viii) *an acceptable connection is made to the local sewerage system in connection is made to the local sewerage system in liaison with the service provider.*
- (ix) *an assessment and evaluation of the site's archaeological potential has been carried out and mitigation measures are implemented accordingly.*

Fairlight Parish Council is of the opinion that the proposal in the current application is very different from policy FAC2 in terms of the number of properties being 43% greater than the policy. There is now no provision for a medical centre. Clarification is needed on whether this is because it was not required by the Clinical Commissioning group. The local sewage system is already overloaded and as a result, local watercourses are highly polluted.

Planning History of the Site

- 1.4 The Planning Statement included with the application fails to point out a number of previous applications to develop the site.

The following applications have been made and rejected.

Application in 1971 – Reference A71/1053

An application was made to erect 72 dwellings and was rejected. The refusal went to appeal which was dismissed. It has not proved possible to trace detailed records of this matter.

Application in 1976 – Reference D6/PL/14040

An application was made by Mr H Smith to erect 58 dwellings which was rejected for the following reasons:

- Extension of Fairlight contrary to the County Structure Plan
- In the High Weald Area of Outstanding Natural Beauty which should remain mostly undisturbed
- Sewage system inadequate

Appeal heard in public in March 1977- Reference RR/76/0511

The appeal was rejected on the following grounds:

- No comment on drainage issues as the applicant had apparently entered into agreement with Southern Water
- Sufficient land available for an 11-year need
- Lack of local educational and employment opportunities in contravention of the objectives of the Local Structure Plan
- No housing needs due to lack of availability
- Development would be intrusive and detract from the special character of the area

Application in 1980 – Reference RR/80/0234

An application was made by Bovis Homes Ltd to build 44 bungalows, 77 garages and 77 parking spaces.

The application was rejected on the following grounds

- Extension of Fairlight contrary to the County Structure Plan
- In the High Weald Area of Outstanding Natural Beauty which should remain mostly undisturbed
- Detrimental to the appearance and character of the area
- Additional hazards to traffic

Bovis appealed but there are no further documents, so it appears the appeal was withdrawn

Pre-Application Advice

- 1.5 Paragraph 23 of the planning application states that no pre-application advice has been sought.
- 1.6 Paragraphs 3.5 and 3.6 of the Planning Statement makes reference to pre-application advice being sought and a meeting held on 7th August 2019. They cannot both be correct.

Doctor's Surgery

- 1.7 It is important to understand whether the Clinical Commissioning Group have decided that they do not see the need for a surgery in this location.

Transport Assessment

- 1.8 The report acknowledges that Hastings is some 6.5km distant with Hastings station being 8km distant.
- 1.9 The hourly bus service is not particularly frequent to serve the needs of the inhabitants of 43 new dwellings. It should be noted that the service runs only from approximately 7am to 7pm and is a two-hourly service on Sundays from around 11am to 5pm.
- 1.10 Pett Level Road and Battery Hill are unsuitable for walking or cycling apart from within the village. This results from the lack of footpaths and the narrow tortuous nature of the road, the C92.

Travelling in the direction of Hastings, Battery Hill rises by 125m within a distance of 1600m, a 1 in 12.8 incline, an impossible cycle ride for anyone who is not extremely fit.

- 1.11 The “key services” referred to in paragraph 3.10 generally provide the most basic of facilities and do not include any employment of note or any educational facilities. The travel plan may encourage the use of walking and cycling within the village, but it is very unlikely to meet the needs of those needing to travel further afield.
- 1.12 The Transport Assessment for the previous application for 48 properties shows an estimated 327 additional vehicle movements a day. It is reasonable to calculate that a revised application for 43 properties would generate around an additional 293 movements a day compared to the existing figure. This is a very large number for the narrow road through Fairlight.
- 1.13 The C92 generally is narrow with limited kerb edgings and difficult to navigate, but the main problem areas are:
 - The bridge to the east by Stream Lane - This is a blind bend with room for one vehicle at a time to get through safely.
 - The area travelling West from Lower Coastguard Lane to Middle Road - The route by the Country Park, has room for two cars to pass but two large vehicles travelling in different directions can become stuck, as happens regularly. On 11th December 2018 a bus and an articulated lorry brought the area to a standstill for over half an hour. Such delays could prove fatal if an ambulance or fire engine was delayed getting to an incident. A number of photographs of similar incidents are held by the Parish Council.
 - Between The Heights and Beacon Road - Only one vehicle at a time can get through safely.
 - Parked vehicles outside the Post Office to the west means that traffic heading west often has to stop to allow traffic moving east to proceed.

Generally, the C92 is already a completely inadequate road and even 297 additional vehicle movements a day will exacerbate an already existing problem and appears to fail the test of policy OSS3 (II).

It is also relevant that two fatal accidents have occurred on Battery Hill in just over two years. A cyclist was killed in November 2017 and a car driver was killed and three people seriously injured in a collision in March 2020.

- 1.14 The proposed access point to the development is less than 100 metres from a sharp bend to the north east at which vision would be severely restricted. There is also a junction with Rosemary Lane on this bend. This is not shown on the access drawing.

With an anticipated 297 vehicle movements a day in and out of the site this would represent an obvious hazard.

The proposed dropped crossing with tactile paving referred to in point 4.9 of the transport assessment is totally unsatisfactory. It would take approximately 7 seconds for a car travelling from the blind bend to the east at 30mph to reach the crossing point. This is not a sufficient safety margin for any pedestrian, let alone those with mobility difficulties. At night, being on an unlit road, the problem would be exacerbated. In addition, the pavement by the crossing point is not wide enough for mobility scooters, prams or buggies to pass each other.

Design and Access Statement

- 1.15 Sustainable development is a theme that runs through both local and national policies. High quality transport nodes and employment opportunities are key elements of sustainability. To provide a substantial number of houses where these two key elements are missing does not appear to provide a sustainable community.
- 1.16 Paragraph 2.2 of the Design and Access statement refers to “the retail part being more concentrated in the village centre.” There is no “retail part” just an adjacent small estate agent office, a hairdresser and a public house which has been closed for over 4 years.
- 1.17 Contrary to the claim in para 2.10 a new mini supermarket is not proposed as part of this application – that was part of the application for 150 properties. The “Leisure Centre” referred to as item 3 on the accompanying photograph is, in fact a recreation ground with children’s play area and youth club hut.
- 1.18 Far from being integrated into the local community the proposed development is physically separated with no direct access to the village centre and a walk of around 620 metres to the village hall.
- 1.19 The density of the proposal at 25 properties per hectare of developable land seems cramped for a village such as Fairlight where densities are traditionally lower.

Flood Risk and Drainage Strategy

- 1.20 The assessment from Southern Water that there is capacity to connect 48 (now 43) new dwellings and a medical centre to the existing drainage system will come as a great surprise to residents of Fairlight.
- 1.21 The Combined Sewage Overflows (CSOs) have had to be used on numerous occasions when the sewers have been at capacity. Southern Water hold these records but are reluctant to release them. The Parish Council hold records detailing the level of spillage between late 2011 and mid 2015 showing that the CSOs were opened on over 200 occasions. The main sewer is a 175cm pipe which has been penetrated by roots on several occasions.

- 1.22 Point 8.2.6 refers to adequate capacity in the Fairlight Waste Water Treatment Works. This facility has been visited by local residents who claim that the onsite storage capacity has tidemarks indicating that at times it has been very close to capacity.

The additional waste water once treated will be released into Marsham sewer which is already an area of major concern to residents in Pett.

- 1.23 Point 8.2.7 states that Southern Water have been commissioned to undertake a feasibility study and confirm the various options associated with the upgrading of the local sewerage network. In the light of the known drainage problems in Fairlight it is unacceptable that any outline consent could be granted until there is clear evidence of satisfactory arrangements for the disposal of sewage. This fails the test of policy SRM2.

- 1.24 Dr Simon Young, a volunteer National Trust wildlife surveyor and Fairlight resident has recently carried out a wildlife survey and concluded the following:

"While surveying the wildlife in Stumble Wood over the past two years (2018-19), I also noted each time I crossed the stream by the Fairlight Water Sewage works opposite Stumble Wood that I never found any wildlife from the Sewage Works outflow by the footbridge. However, I have found attached to a stone in the stream, Black-fly larvae (Simuliidae sp). amongst a sewage fungus. If the development goes ahead at the old Fairlight Nursery and Wakehams Farm more outflow water will flow down this stream into Marsham Sewer. During the Wildlife Survey of Market Wood (2016), I surveyed the stream by Market Wood which forms the Marsham Sewer. This stream is clean, well oxygenated and fast-flowing as indicated by the presence of dragonflies and damselflies such as the Demoiselle Agrion (*Calopteryx virgo*), the very distinctive Agrion splendens (Banded Demoiselle) and the Common Coenagrion (*Coenagrion puella*). This stream too has resulted in the presence of six other freshwater animals being confirmed including Marsh Frog (*Rana ridibunda*), *Baetis rhodani*, *Gammarus pulex*, *Lymnaea stagnalis* and species of Chironomid and Corixa. If dirty water comes into the Marsham Sewer via the Sewage Works stream species such as the incredibly clean water species *Agrion virgo* will disappear. This dirty water flows into the National Trust Marsh at the bottom of Chick Hill, then enters the Military Canal passing Pannel Nature Reserve. Will dirty water affect all these waterways in the future? Has any Authority checked all this? If the Fairlight Sewage Works receives even more dirty water from the proposed Wakehams Farm development (and the old Fairlight Nursery development) should this not be investigated now before Planning permission is granted by the Rother District Council?

On raising this with The Environment Agency Dr Young received the following reply which appears to support his concerns.

"Re: GE8595 Fairlight Sewage treatment works

We understand that you are concerned about the ecology in this catchment and we have looked at the survey data you have sent us. As the survey used a different biotic index to the one the Environment Agency uses, we translated the resulting data into values appropriate for the indices we use ourselves. Both interpretations show a similar impact of organic enrichment on the invertebrate community downstream of Fairlight WWTW. Our own data from our last biological survey in 2004 is still relevant and is consistent with your data regarding the impact of organic enrichment on the stream ecology. The overall scores from our biotic scoring system fell with distance downstream and there was a decrease in abundance of shrimps and an increased abundance of chironomid larvae. These changes reflect a fall in dissolved oxygen and increased organic loading."

- 1.25 The western end of the site is known to have a history of waterlogging and standing water after periods of heavy rainfall. Historically it was known as Pond Field. While SUDS are effective at controlling surface water run-off they only work if there are robust maintenance arrangements in place for the full life time of the development.

Access to Services and Employment

- 1.26 The local schools are oversubscribed and it is difficult to see where places would be available for children on the new development. There is little local employment without travelling to nearby urban centres and the difficulties of travelling other than by car are referred to elsewhere in this report.

2. The Planning Balance and Conclusion

- 2.1 It is accepted that Rother does not have a five-year land supply. However, Rother's Development and Site Allocations Local Plan was found sound in December 2019 following inspection by a government appointed Inspector and was subsequently adopted by the Council. Presumably the Local Plan would have not been accepted had the Inspector not been satisfied that the required number of properties could be delivered.
- 2.2 All policies relating to such issues have effect on nationally designated areas including AONB and sustainable development are fully applicable. This point is made in footnote 6 to paragraph 11 of the NPPF. Paragraph 11 requires the benefits of any proposal in such circumstances to be weighed against the policies that provide a clear reason for refusing the application or any adverse effects would significantly outweigh the benefits.
- 2.3 With regard to development in AONB the NPPF contains clear guidance that great weight should be given to conserving and enhancing existing landscape and scenic beauty. That applies whatever development is proposed. In addition, if the development is major development, permission should be refused other than in exceptional circumstances and where it can be shown to be in the public interest.

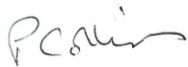
Major development is not defined in the NPPF but it states that this is a matter for the decision taker, taking into account the proposal's nature, scale and setting and whether it would have a significant adverse impact on the purposes for which the area has been designed or designated.

In the context of the size and setting of Fairlight it is strongly contended that the development is major. The proposal does not conserve or enhance the landscape and scenic beauty. In addition, other issues such as the pattern of development and character of the settlement are relevant. In short, the proposal would extend the built form of the village into undeveloped AONB at a high density.

- 2.4 The intention to allocate the western part of the land in the DaSA as suitable for around 30 properties strikes a balance between protecting the AONB and providing housing, a doctor's surgery and landscaped area even though Fairlight Parish Council have reservations about the need for 30 properties. What is proposed goes well beyond this. It is not considered that the lack of a five-year land supply provides exceptional circumstances and is not in the public interest.

- 2.5 The provision of additional housing, including affordable is not considered to outweigh the harm that would arise from the development. In addition, specifically regarding the affordable housing, this will not be in a sustainable location. That issue is explored in more detail below. The fact that there are currently 5 people/families who require affordable housing in Fairlight does not warrant a development of this scale. To provide a substantially greater number than this to contribute towards the needs in the Parish Cluster overlooks potentially more suitable and sustainable sites.
- 2.6 The provision of additional public open space does not appear to be a particular priority, bearing in mind the location of Fairlight in relation to the proximity to Hastings Country Park which can be easily accessed from the village. There is also a substantial recreation ground in Commanders Walk which is owned by the Parish Council.
- 2.7 Turning to the question of whether the site is in a sustainable location. Fairlight is a village with a last recorded population of 1,516. It is not identified in the Core Strategy as either a rural service centre or local service village. It has no employment facilities of any note. The only public transport is an hourly bus service to Hastings and Rye. It has no school.
- Opportunities for travel to other destinations such as Hastings or Rye other than by car or bus are limited by the nature of Fairlight Road. It is not a sustainable location for a substantial amount of additional residential development.
- The comments contained in the Design and Access Statement relating to high quality transport modes and employment facilities are not considered to be correct in relation to the facilities available at Fairlight.
- 2.8 Rother District Council's Corporate Plan for 2014-21 States:
"Our Vision for Rother" - Rother district will be recognised for its high quality of life, as a place where there is a strong emphasis on community and neighbourhoods. This will be achieved by continuing to support and further encourage the development of vibrant, strong, safe and inclusive communities
- 2.9 Development of the scale proposed would not meet the objectives of sustainable development described in both the local or national policies that have been quoted.

Yours sincerely,



Mrs Pauline Collins
Parish Clerk/RFO