

## **Fairlight Parish Council Planning Committee – 17th May 2016**

Present: Councillors S. Leadbetter (Chairman), Revd V. Gibbs, A.Mier, Mrs J. Annetts.  
Mrs C. Gallagher. 23 members of the public.

### **1) Code of Conduct and Disclosure of Interests:**

None

### **2) Planning Applications**

The Chairman explained that while the Parish Council had no decision making powers in relation to planning matters it could make comments to Rother, the planning authority.

He then suspended standing orders and invited comments from the public about the application for The Anchorage.

#### **RR/2016/1081/P**

#### **The Anchorage, The Avenue, Fairlight TN35 4DE**

The erection of 1 no. dwelling house.

Kay Burnett, who lives adjacent to the proposed new access road, expressed concern about additional water run-off from the site which is already a problem in this location, and also a history of Japanese Knotweed.

Paul Capps explained in some detail how the Japanese Knotweed on the site had not been adequately treated and removed and stated that it was not clear whether a specialist company had been used to carry out the work. The knotweed had been buried to the rear of the site, where the proposed bungalow is to be built.

He then stated that there was no agreement in place with Southern Water for groundwater from the two currently approved properties on the site to be accepted into the main drain. SW are adamant the sewer is a foul only system, not for surface water, although they acknowledge that there are surface water connections. It was therefore difficult to see how the planning consent could be complied with, although the applicant proposed to use the same drainage arrangements for the new property. In an area close to the cliff which is subject to slippage this is a serious problem. If the water discharges into the stream which is sometimes at full capacity in this area it presents a flood risk.

Mr Capps stated that, in his view, the applicant should contribute £10k via a s.106 payment to mitigate the effects of this problem if approval was given.

Mr Saunders, who lives in The Avenue, stated that his property has problems with groundwater flowing from Stockdale and this application would create similar problems for others.

Linda and Cliff Frost live at the junction of Lower Waites Lane and Broadway. They stated that there is already substantial water run-off from Baroda which would increase. Because of lack of capacity in the stream at this point (the culvert under The Broadway junction is inadequate) their garden and the road would be at risk of flooding.

They also had concerns about the proximity of the proposed new driveway to the junction with Broadway and the impact heavy vehicle movements would have on the bank of the stream, and for the implications for public safety. Paul Capps concurred with this point.

Dr John Sinclair raised the issue of covenants on the properties in the area limiting the number of dwellings which can be built on each plot. Councillor Mier explained that covenants are not considered by planners and are often unenforceable.

Jenny Batchelor expressed concern about the proximity of the site to the cliff, meaning that the property may be at risk from the sea before the end of its normal life.

Councillors then expressed their views.

Councillor Mier had concerns about the proximity to the junction with Broadway and the planners should be asked to seek advice from the highway authority and the emergency services. He considered it to be backlands development. He considered the plans submitted to be inadequate as they do not show properties to the east of the site, the junction with Broadway or cross sections to show site levels. Photographs of the access and site would greatly assist planners.

Councillor Annetts agreed with many of the points raised and had concerns about the impact on the highway and the implications for emergency vehicles.

Councillor Gallagher questioned whether Lower Waites Lane was a highway but had similar concerns to her colleagues. She also expressed concern about the knotweed.

Councillor Gibbs considered the proposal detrimental to local residents and the village generally due to the knotweed, access issues, proximity to the junction, groundwater and possible overlooking issues.

The Chairman considered that a driveway into the site between 24 and 26 Lower Waites Lane would affect the amenity of residents of those properties. He cited an application for Graystone further down the lane that had been rejected four years ago. This was one of the specific reasons given for refusal. The agreed burial pit for the knotweed from the site of the previously approved dwellings was shown on the plans to be very close to the proposed site of this dwelling. He also expressed concern about the proposed narrow access to the site in relation to the stream and the junction with Broadway.

The Chairman thanked those who had spoken for their contributions and summarised the points made. He stated that at this stage he would normally agree comments to be made with the committee. However, as there were more issues to be considered than with most applications, he would draft comments and send them to colleagues for agreement.

Comments to be made to Rother were subsequently agreed as follows:

Fairlight Parish Council opposes this application on the following grounds:

**A) Groundwater and Flood Risk**

There is a problem with groundwater in this location. As part of the appeal which resulted in the approval of the two dwellings currently being built on this site it was a requirement that surface water be disposed of via the foul water drainage system or other method to be agreed with the local Planning Authority. It is our understanding that Southern Water have refused to accept surface water into the foul drainage system due to lack of capacity.

The applicant proposes to use the drainage system serving the properties currently being constructed for the new dwelling. It is therefore unclear how this could work.

Rother have agreed that soakaways are clearly unsuitable in this area of Fairlight. The stream in this area of Lower Waites Lane is often at capacity during heavy rainfall and accepting further water would increase the risk of flooding around the junction with Broadway.

**B) Japanese Knotweed**

There has been a problem with a substantial quantity of Japanese Knotweed on the site of The Anchorage. It is unclear how successfully this has been dealt with and whether the approved method of removal has been complied with.

The plans attached to the method statement show a burial pit for the knotweed which appears to be on or immediately adjacent to the new dwelling.

**C) Site Access**

The Parish Council considers the proposed narrow access to the site to be inherently unsafe. It is close to the junction with Broadway, the main access to Lower Waites Lane. The lane at this point is very narrow and the road edge and stream bank are vulnerable to erosion. The proposed

driveway would be up a steep slope and a very tight turn. Taking all these factors into account it is difficult to see how vehicles other than cars or light vans could get access safely.

There is no available off-site parking at this point and nowhere near the site for contractors' vehicles to park safely.

It is essential that planners get formal advice from the highways authority and emergency services on this point.

The relevant policy is CO6 ii – Ensuring that all development avoids prejudice to road and/or pedestrian safety.

#### **D) Amenity of Adjoining Dwellings**

The access to the site would be between 26 and 28 Lower Waites Lane and it would be a backlands development.

It would appear to breach policy OSS4 ii – Harms amenity of adjacent properties.

The precedent is Graystones 62 Lower Waites Lane RR/2012/1687/P for which the planners report states:

“ the proposal results in an undesirable type of backland development which can only be served by a long driveway that passes between ( adjoining properties ). In such a position traffic would be unduly intrusive to the quiet enjoyment of these properties typical of a poor backland proposal. “

The proposal for The Anchorage is directly comparable so should be rejected for the same reasons.

#### **RR/2016/1116/3R**

##### **Fairlight Gap - Beach at, Fairlight**

Construction of a rock bund on the beach at Fairlight Gap between the two existing rock bunds.

Councillors discussed the application and agreed the following comment to Rother Planners: “Fairlight Parish Council fully supports this proposal”.

#### **RR/2016/1122/P**

**Greenrose, Channel Way, Fairlight TN35 4BD**storey. Convert & extend the existing roof space.

Councillors discussed the application, which was not significantly different to the previously approved proposal and agreed the following comment to Rother Planners:

- a) Fairlight Parish Council has no objection to this proposal.
- b) Any comments made by neighbours should be taken into account

#### **3) Request to Register The Cove Public House as an Asset of Community Value**

Councillors agreed to support the proposal but decided that it should be referred to the full meeting of the Parish Council for decision

#### **4) Neighbourhood Plan**

##### **a) Call for Sites**

The sites were discussed individually and it was agreed that a full assessment should be carried out on the following:

**FC2 – Wakehams Farm**

**FA2 - Land at Pett Level Road**

**72 Lower Waites Lane**

**FC8 – Land between Warren Road and Hill Road**

Visits will be arranged for Wednesday 25<sup>th</sup> May at 2.30pm with the exception of FC8 where the visit has already been carried out. Councillor Annetts will ask the owner of FC2 for permission to enter the site.

It was decided the following sites should not be reassessed for the reasons shown.

**FA1 – Rosemary Lane** – The owner has advised us it is no longer available.

**FC5 - Land at Seahome Battery Hill** – Considered and ruled out by Rother Planners. It is landlocked with no means of access.

**FC6 – Land behind Sea Breeze, Battery Hill** - Considered and ruled out by Rother Planners. It is landlocked with no means of access. It was not submitted by owners.

**FC3 – Land to rear of Red Roofs, Farley Way** - Previously rejected by planners it is landlocked and has inadequate access.

**FC7 – Warren Farm, Commanders Walk** – It has been rebuilt as a private home and the land is a wildflower meadow forming part of the gardens.

**FC4 – Land at Broadlands, Broadway** – It was considered and ruled out by Rother Planners. It consists of the site of several houses and was not submitted by the owners.

**b) Policy Development**

The Chairman explained that he had reviewed the policies in the Rother Local Plan to establish where there were matters which could be enhanced for the benefit of Fairlight.

He had sent a document setting out some proposed changes and asking members to comment and suggest changes in the other areas he had identified.

Once this had been done we could start to engage with local consultees to decide which policies should be included and how they could be developed.

He asked members to respond to this as soon as they were able.

**c) Evidence report**

A draft has been sent to the Chairman by AiRS to provide comments and add information on certain topics such as public engagement. This will have to wait pending completion of the review of sites and policy review.

Similarly the Strategic Environmental Assessment ( SEA ) screening opinion document required by Rother will have to wait until there is capacity to work on it.

**d) Meeting with Rother and AiRS**

Our next meeting with Rother and AiRS will be combined with the planning meeting on the afternoon of 14<sup>th</sup> June.

**5) Any Other Business**

None.

**6) Date and Venue of Next Meeting**

Tuesday 31st May 2016 at 2.30pm in Fairlight Village Hall, subject to confirmation.

Meeting closed at 4.00pm.

Stephen Leadbetter

Fairlight PC Planning Committee Chairman – 18<sup>th</sup> May 2016