



# Market Garden Site

Lower Waites Lane, Fairlight TN35 4DB

This report follows Rother District Council's visit in March 2024. Lorna Ford, Chief Executive and Kemi Erifevierme, Development Manager joined Cllrs. Tim Grohne and Andrew Mier for a walk around the perimeter of the Site and met residents from Bramble Way, Broadway, The Avenue, Lower Waites Lane and Fairlight Gardens.







## The Site

The Market Garden Site was passed by a Central Government Inspector on appeal APP/U1430/W/20/326/59995, decision date 10.09.21.

## Issues

Planning permission was refused by Rother District Council and opposed by Fairlight Parish Council. Villagers' concerns in 2021 included: the Site was small and very steep. It had knotweed and two badger setts. Properties to the north had existing overflow parking issues and to the south and west a single track rural lane with no turning or wide access capacity. The clay soil retained water and was often visibly saturated. In heavy rain the stream on the southern boundary became swollen and fast-moving whilst sewage overflows occurred further east on Lower Waites Lane (LWL). The cement mixers, crane and lorries using the Site Access Route would share the lane with pedestrians including residents with disabilities from the two Care Homes, those living around the Site using mobility scooters, walking aids or with hearing impairments and walkers on the '1066 Coastal Path', who would all be at high risk of being knocked down.





## June 2022

GemSelect Developers and Future South Homes started work on cutting down scrub and trees to prepare the Site. By way of an introduction they posted an informal note to some local homes before their workers began without wearing any high-vis or using safety equipment.

The Construction Site had impact beyond its boundaries with construction traffic blocking adjacent village lanes and streets on every side. Various aggressive responses were made to residents who expressed concern when delivery lorries, tractors and trailers, drove and reversed to and from the Site at high speed, damaging gardens, fence panels and ploughing verges. Interactions between residents and the construction site were strained due to language barriers. Unannounced lane closures, lorries blocking driveways, loading plant outside residential dwellings, inconsiderate and obstructive parking at junctions, disrupted day-to-day lives.

Some of the Site workers were ill-disciplined, rowdy and unsuitably attired in casual-wear; in the summer they wore shorts, floppy hats and trainers. Residents were able to engage with the first Site Manager who appeared to be trying to manage the situation, though his bosses seemed unwilling to invest time or resources in resident liaison. Further concerns were poor waste management with debris littering the site and stream. Formal complaints were made to Rother District Council. Queries about contractors' qualifications went unanswered.







### March 2023

As the mandated wheel wash was often not in use vehicles driving off the Site spread mud along the nearby roads – this resulted in 4 residents slipping and falling, with cuts and abrasions. The speeding cement mixer belched lines of cement throughout the village and along Pett Level Road. Complaints were repeatedly made to Sussex Police, Operation Crackdown and Neighbourhood Watch. The line of parked Site vehicles on the main road (Waites Lane/ Shepherds Way) in breach of the Construction Management Plan (CMP) became a regular feature in the 'Village Voices' column in the Hastings Observer. In frustration at the accuracy of information coming from the Site and feeling ignored by all local authorities, residents started posting images of Site vehicles, reversing lorries, the overbearing presence of the height of the new houses with their surprisingly small gardens on Facebook.

Cllr. Mier circulated the CMP to 500 people via the Fairlight Residents Association email scheme and encouraged affected residents to complete an Alleged Breach of Planning Conditions Form. The Rother website is hard to use and it is especially difficult to upload images onto it. Residents decided to form an action group to protect their properties and local amenity whilst safeguarding elderly residents and those of all ages with disabilities/health conditions from the daily nuisance and distress. 'Village People' was formed.







Having announced a peaceful protest about the Site's alarming activities, Village People was contacted by and met with an Enforcement Officer from Rother. The minutes of the meeting written by the Officer mention the "sheer number of complaints" received. They state, "I'm happy with the daily diary of incidents xxx sends as these are most helpful". Our expectation was that the Enforcement Team would, from that point on, be able to improve the Developers' compliance with the CMP.

We are at a loss to understand how Rother didn't notice that the on-site car park had not been built before April 2023. Not that it would have had capacity for all the site-workers' vehicles who parked wherever they liked, usually on the Site access route. This resulted in the main road narrowing to one lane causing risks of collision and inconvenient delay to other road users, buses and emergency vehicles.

A simple solution to avoid antagonising local people would have been for the Site Manager to instruct the site-workers to park on nearby roads, e.g. Commanders Walk, whilst also logging their vehicle registration plates.







The failure to address inconsiderate parking and anti-social behaviour has had a major impact on residents' mental health, wellbeing and feelings of safety. Village People were given a direct number to Rother Enforcement to be able to transfer videos and photographs in a timely manner and started a formal diary of alleged breaches. The Master Case File is ENF/126/22/FAI.

To date 116 alleged breaches of planning conditions/permissions have been evidenced with photographs and videos. Residents feel that the response from Rother has been wholly inadequate and does not meet their published Customer Service standards across a range of departments including Planning, Environmental Health, Noise/Tree Orders and Community Safety.

Rother Officers' refusal to offer a brief quarterly face-to-face meeting for resident liaison and welfare or to request the Developers hold a meeting to improve the situation we believe shows a failure to deliver its mission statement to residents. Sussex Police and East Sussex Highways have also proved difficult to engage at a neighbourhood level.

It was only after the Rother Enforcement Officer was seen at the Site ten months after the work commenced that the Developers established a Fire Assembly Point and displayed some Health & Safety Notices on the Heras fencing. The on-site car park for six site vehicles and an access road for the site to receive its delivery vehicles was finally created. Delivery vehicles arrived from professional companies, rather than on tractors and trailers. And they were small enough to enter the Site in forward gear.





### Summer 2023

A variation of planning agreement was put in place by Rother to allow the timber frame deliveries to turn in Rockmead Road and reverse down Smugglers Way with two banksmen and a spotter. Rother's Enforcement Officer was seen in attendance at one of these deliveries. However compliance usually lasted about a week before the builders regressed to their old habits of turning, reversing and manoeuvring in any of the adjacent streets near the Site without banksmen.

Many sub-contractors ignored the Site Access Route as defined in the CMP and drove to the Site using Broadway where they became lost. Lorries also took a short-cut by cutting through from Waites Lane to LWL. At this stage residents realised that the CMP – which Rother Officers insisted was an important document – was not going to be implemented.

In written reports to the MP, Rother Officers are not impartial. They defend the builders' actions, allege that meetings with residents have taken place, and prioritise the developers' cost issues over enforcing the CMP conditions and residents' concerns. No professional schedule of works including phases has ever been made available. Email updates from the second GemSelect Site Manager stopped. The CMP requirement for the Developer to communicate is not enforced.







Tensions continued between residents and Site workers. As many as four loud PA systems played techno music starting at 8.30am and cannabis could frequently be smelt. Site workers' excessive swearing and shouting meant residents kept their windows and curtains closed, feeling unable to use their gardens. Over 30 noise complaints have been made to the GemSelect Head Office, Site Manager and Rother.

Village People held support meetings and continued to approach organisations with responsibility for resident welfare to assist villagers to carry on with their everyday lives. They posted daily disturbances onto a local Facebook Page sharing their concerns with each other as well as politicians who we know look at the feed. Unfortunately their comments were frequently ridiculed by builders who, in some cases, also began trolling them.







## Conclusion

Can Rother District Council please answer these questions:

- 1 Given that concerns were raised as early as June 2022, have any qualified building inspectors visited the 16 houses as the works progressed and what were their findings?
- 2 How many complaints have been received by Rother District Council in relation to the Market Garden Site and, apart from an automatic acknowledgement receipt, did any receive responses describing the actions taken?
- 3 Can we see evidence that Rother Planning Officers visited the Site with dates and what action was taken to protect local amenity, adherence to the CMP and Planning Consent?

Can Rother District Council please arrange for an independent surveyor to:

- 1 Measure the length and width of each of the 16 gardens and describe how they match or differ from the agreed Planning Consent of 10.09.2021.
- 2 Measure the heights of each of the 16 houses and the ground levels and describe how they match or differ from the agreed Planning Consent of 10.09.2021.
- 3 Compile a report addressing such issues as overbearing presence, interior lighting, window positions and type of glazing, TPOs, flood risk, sewage, the water course and whether the houses meet Building Regulations.

For queries please contact:

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