



POSITION STATEMENT

**Prepared by:
Strutt & Parker**

**On behalf of:
Welbeck Strategic Land (Promoter of Policy Site FAC2)**

Rother DaSA Examination

Representor ID: 7525

Matter 7: Site Allocations

Site: Policy FAC2 – Land East of Waites Lane, Fairlight Cove

April 2019

CONTENTS

	<u>PAGE</u>
1. Introduction	3
2. Background	4
3. Policy Requirements	6
4. Conclusions	11

Appendix 1: Plan showing existing and historic hedgerows

Appendix 2: Illustrative Masterplan (100 dwellings)

Appendix 3: Policy-compliant Sketch Layout (45 dwellings)

Appendix 4: Site Access Design

Appendix 5: Suggested wording for Policy FAC2

1. INTRODUCTION

- 1.1 As it stands, the DaSA is not sound because the requirements of Policy FAC2 have not been justified, and because the policy would not be deliverable within the plan period.
- 1.2 Through modifications to facilitate a larger site the allocation would then be deliverable within the first five years of the plan, boosting housing supply in the District, and, particularly help address the desperate need for more affordable housing within the Rye Parish Cluster.
- 1.3 Since we submitted our Regn.19 representations, we have undertaken further work in relation to the viability of the allocation, and have consulted with the AONB Unit and Natural England to discuss the impact of the access road on the landscape. We have also progressed an illustrative masterplan which provides one option for how the allocation could be delivered, based on the aspirations of Policy FAC2.

2. BACKGROUND

- 2.1 Currently, there remains an undetermined outline application, submitted in October 2018, for a larger scheme comprising up to 150 dwellings, including 40% affordable, housing designed for older persons, a GP surgery, a mini-supermarket, and 7ha of public open space. This scheme's masterplan was included with our Regn.19 representations.
- 2.2 Whilst appreciating that an undetermined planning application does not in itself materially impact on the DaSA Examination, the technical work that was carried out and the resulting consultation responses received are important when considering the deliverability and viability of Policy FAC2.
- 2.3 The need for a doctor's surgery arose following discussions between Welbeck and Dr Craig Namvar, who runs Hastings Old Town Surgery and Guestling surgery, to provide a serviced plot. It has always been acknowledged that Dr Namvar would fund the construction of the surgery, ongoing maintenance etc. given the overall costs of the development.
- 2.4 When preparing the application, we identified an increasing need for housing for older persons in the District (including those down-sizing). Welbeck also investigated the deliverability of providing up to 50% age-restricted units but concluded that this could not be viable without an element of care being provided due to market limitations, in turn reducing the sale prices both to and subsequently by older persons.
- 2.5 We also considered grouping age-restricted dwellings to produce sale values equivalent to unrestricted housing (in order to make the proposal viable). However, specialist agents again advised, this could only work if care and communal facilities were provided, and the site gated. Moreover, the FAC2 allocation is not large enough for this solution alongside market and affordable housing; and it would not seek to provide a balanced and mixed community as it would only increase Fairlight's elderly population further – currently 55% of residents being aged 60 and over (2011 Census Data) and 46% aged 65 or over (Core Strategy 2014).
- 2.6 The provision of the extensive area of public open space (7ha) followed a detailed landscape visual appraisal which identified this part (under contract) as being too sensitive in landscape terms to accommodate built development. However, the remainder (i.e. the western and central parcels) was identified as having capacity for built development, subject to mitigation planting and sensitive design.

- 2.7 Consultation responses were received from East Sussex County Council, Natural England and the AONB Unit with landscape objections. No objections on other matters were received, including from ESCC Highways.
- 2.8 To help address the landscape objections, we met with Natural England and the AONB Unit in March 2019. Both consultees noted the requirements of Policy FAC2 and the impact that the access road would have on the central part of the site. Both agreed that the situation was far from ideal, and that this part of the field was not sensitive in long-distance views across the AONB. Both also emphasised that they would like to see the historic hedgerows reinstated. These are marked up on the plan at **Appendix 1**.
- 2.9 In order to address the landscape-related objections, work is currently underway to amend the current outline application to reduce the site area to encompass the western field (subject to Policy FAC2) and central field, in turn removing the area of open space in the eastern field because of its landscape sensitivity. The doctor's surgery would be relocated to where the shop was previously located at the site entrance, and the shop removed altogether due to economies of scale. SuDS ponds would be located along the southern boundaries of both fields, adjacent to an area of open space, and, crucially, the central historic hedgerow would be reinstated. By extending the existing hedgerow down to the southern boundary, the central field would become enclosed in the same way that the western field is currently enclosed and deemed suitable for housing.
- 2.10 An illustrative masterplan of this amended scheme is provided at **Appendix 2**, and forms the basis upon which Policy FAC2 could be amended. The plan shows capacity for 100 dwellings at 25dph, providing 40% affordable housing, approximately 50% dwellings designed for older persons (both affordable and market) but not age-restricted, open space, and a doctor's surgery at a prominent and accessible location at the site entrance. The cost of providing the access road would be negligible because of the additional units being provided; and the scheme would comply with policies which support frontage development and natural surveillance. Furthermore, the access road would not appear incongruous in the landscape, and would provide a comprehensive development that can be delivered within the first five years of the plan, addressing both the immediate and acute need for affordable housing and housing for older persons in the District.

3. Policy Requirements

3.1 Policy FAC2 currently specifies a number of criteria which development of the site would need to comply with. Criteria (i), (ii), (iii), (v) and (vi) are unjustified and/or would render the site undeliverable, either through conflict with other policies in the Development Plan or for viability reasons.

3.2 Each of the criteria are discussed below.

(i) Approximately 30 dwellings are provided in the residential area indicated on the Detail Map, of which 40% are affordable.

3.3 In our Regn.19 representations, we presented an illustrative masterplan (reference 6552/SK12/A) (**Appendix 3**) based on the requirements of Policy FAC2 – i.e. including a doctor's surgery, SuDS pond and amenity open space. The resulting developable area, taking into account steep gradients and the high proportion of bungalows and apartments to meet the identified need for older persons' accommodation, comfortably provided 45 dwellings at a relatively low density of 21.3dph.

3.4 Whilst the policy requirement is for 'approximately' 30 dwellings' (so would not automatically rule out a higher dwelling number) the Council has not addressed the point in their Initial Responses to Representations (March 2019). As no modifications have been proposed it is unclear if the Council would accept a larger number. The proposed site capacity has still not been justified, and our drawing (based on technical work) seemingly ignored.

3.5 Restricting the site to approximately 30 dwellings would result in a density of only 14.3dph on the developable part of the site (i.e. excluding the surgery, open spaces and SuDS pond) and not make efficient use of the land as required by the NPPF.

3.6 We do not object to the 40% affordable housing requirement in principle, but Welbeck are concerned about its impacts on viability along with the other policy requirements.

3.7 Accordingly, the current wording fails the soundness test as:

(1) The Council has not justified only a capacity of 'approximately 30 dwellings', whereas we have justified 'approximately 45 dwellings'.

(2) The policy is not effective because it is not deliverable during the plan period because any attempt to provide around 30 dwellings within the developable area would not make efficient use of land and represent an 'unduly low density' contrary to Core Strategy Policy OSS4 and not accord with the principles of good design.

(ii) At least 50% of the dwellings comprise appropriately designed, age-restricted housing for older people.

3.8 We have explored the potential for providing age-restricted units as part of the 150-dwelling application scheme. This proved to be impossible to achieve without devaluing the units and rendering the site unviable as a result.

3.9 We have been unable to find any evidence of age-restricted properties which have been pepper-potted within a housing development and which do not benefit from an element of care, which suggests that this is not common practice. It is also noteworthy that the need for housing to address an ageing population in Rother is a district-wide need and not directed specifically to Fairlight. It already has an existing aged population and, to support mixed and balanced communities, a greater proportion of family homes are required. As older persons would likely gravitate towards Fairlight in any case, providing appropriate accommodation for them should suffice, without affecting the marketability or viability of the site. The provision of 'approximately 50% bungalows and 1-bed/2-bed accessible apartments' would be a more appropriate requirement for the allocation.

3.10 This criterion is currently too onerous and would render the site unviable, particularly given the additional need for 40% affordable housing requirement. It also lacks clarity as to whether the age-restricted units would be market units, affordable units, or both.

3.11 The Council has produced no evidence to justify the requirement for age-restricted units on this site.

(iii) A new doctor's surgery is provided, together with associated car-parking.

3.12 The requirement for a new doctor's surgery has clearly been inspired by our current planning application. A new surgery is required by Dr Namvar, and it is him alone who can deliver it. Should Dr Namvar decide that he can no longer pursue the new surgery for whatever reason, this policy requirement will become too onerous. Furthermore, the policy wording does not specify the extent of the provision, whether it should be a serviced plot or built by the developer.

3.13 The proposed location on the Detail Map also presents a problem in design terms. The building is proposed to include some 600sqm of floorspace and would likely have an impact on the amenity of neighbouring properties. A location closer to Pett Level Road, away from existing dwellings, would be more suitable for this reason, and would also make the surgery more accessible for those walking from the village centre.

3.14 No contact appears to have been made by the Council with Dr Namvar to confirm the chosen siting for the building and its funding. The policy wording is ambiguous, and could be interpreted as requiring the developer to build the surgery. The policy has therefore not been justified and could also make the site undeliverable.

(v) Vehicular access is provided off Battery Hill together with footways to link to the existing footway on the southern side of Battery Hill 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.

3.15 Technical work was undertaken during the preparation of the planning application to establish the optimal location for a new access from Pett Level Way. This was identified as being best located in a gap between the poplars along the road frontage, which have been identified as having important landscape value. Adequate visibility splays can be provided from this point, and ESCC Highways support the proposed access. The design of the access is shown on the drawing at **Appendix 4**.

3.16 The access is required to be set perpendicular to Pett Level Road in order to achieve the required visibility splays. This, in turn, determines the angle at which the road enters the field and turns westwards towards the allocated area. The sketch layout at **Appendix 3** shows the tightest angle the access could take, entering the western field at an appropriate gap in the tree line. The area of land required is significantly more than shown on the Detail Map, and encroaches further into the central field. It would fall outside the area allocated in the Detail Map.

3.17 The proposed access road would be very long and expensive to build as a result. Furthermore, it would form an incongruous feature within the AONB landscape, with no frontage development or natural surveillance to design out crime. The road would not support the Council's Key Design Principles and would be contrary to Core Strategy policies RA3, EN1 and EN3 and DaSA draft policies DHG12, DEN1 and DEN2.

3.18 The access road would pass through the central field, which has been identified as having medium capacity to accommodate new development, and is not visible in long-distance views. The new road would impact on short-distance views and we consider the provision of additional built development within this area to create no additional adverse impact on the landscape. To provide additional development around the access road would provide a more cohesive development that is better integrated into the existing settlement. The provision of the doctor's surgery would be better located at the entrance to the site where it would be closer to the bus stops and within a shorter walking distance from the rest of the village. It would also have a lesser impact on existing residential amenity than where it is currently proposed.

3.19 As it stands, the only possible positioning of the access would render the site unviable on top of the other onerous policy requirements, and would not be deliverable due to conflict with other policies contained in the Development Plan.

(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.

3.20 The report prepared by Allen Pyke Associates which accompanied our Regn.19 representations critiques the evidence base for the proposed allocation (notably the Landscape Assessment for Wakeham's Farm – 'LAWF').

3.21 It concludes that a tree-lined avenue would be an incongruous element within the landscape, which comprises of mainly hedgerow vegetation. There are no tree-lined avenues outside of settlement boundaries within the locality and this is not a feature associated with the High Weald AONB, where most rural roads are lined by hedges and occasional mature trees, or skirt the edge of woodland.

3.22 It also states that the existing hedge would benefit from being gapped up to improve structure, however it would not be considered appropriate to widen this feature into a semi-woodland. The hedge is an historic field boundary (as noted by the LAWF) and should not be significantly changed. As noted by the LAWF when considering the wider field to the east, the introduction of large scale woodland would not be appropriate as it would detract from the openness of the area.

3.23 Whilst we support appropriate mitigation planting, the policy requirement for a tree-lined avenue and wider tree belt along the eastern boundary (as shown on the Detail Map) has not been justified. The site would also not be deliverable as the landscape proposals would be contrary to landscape and AONB policies in the Development Plan.

4. CONCLUSIONS

4.1 As worded, Policy FAC2 is undeliverable over the plan period because the policy requirements, when taken together, would render a scheme unviable, and the resulting form of development would not accord with other Development Plan policies. Furthermore, the Council have not done the necessary work to justify the restricted allocation and policy wording.

4.2 In order to address these deficiencies, we propose that Policy FAC2 includes the following amendments:






- the allocation boundary extended to include the central field (as shown on the plan at **Appendix 3**);
- the capacity of the western field increased to approximately to 50 dwellings to take account of the need to make efficient use of land and the recommended relocation of the doctor's surgery;
- a further capacity of approximately 50 dwellings allocated to the central field to mitigate the impact of the long access road and make efficient use of land;
- a new requirement made for the historic hedgerow defining the central field to be reinstated;
- the doctor's surgery relocated to the site entrance to make efficient use of land along the access road;
- provision of amenity open space, natural / semi-natural open space around the SuDS ponds, and a landscaped play area;
- provision of 40% affordable housing; and
- provision of approximately 50% of the overall dwelling mix to be appropriate accommodation for older persons in terms of design and layout only.

4.3 A full suggested text for Policy FAC2 is provided at **Appendix 5**. It is important to note that, if the allocation is amended to include the above requirements, this site would be deliverable within the first five years of the plan, with outline consent capable of approval within the next 6 months.

4.4 Given that the DaSA will not automatically secure a 5-year supply of sites upon adoption (as set out in paragraph 74 of the NPPF 2019), Rother's current housing land supply position (3.9 years including a 20% buffer as at 1st October 2018) and a Housing Delivery Test result of 69%, it is paramount that all the DaSA allocations are capable of delivery. The policy expectations therefore need to be realistic, which, with Policy FAC2, they are currently not.



Legend

-  Application Boundary
-  Hedgerow or significant vegetation shown on historic maps of 1873 still present
-  Hedgerow or significant vegetation shown on historic map of 1873 no longer present
-  Existing hedgerow planted with last 20-30 years
-  Historic routeway with roadside vegetation





Residential Accommodation Schedule	
Open Market Provision - 60 Dwellings	
4no.	1-Bed Apartments
2no.	2-Bed Apartments
5no.	2-Bed Bungalows
5no.	2-Bed Houses
19no.	3-Bed Bungalows
10no.	3-Bed Houses
1no.	4-Bed Houses
Affordable Provision - 40 Dwellings	
10no.	1-Bed Apartments
2no.	2-Bed Apartments
8no.	2-Bed Bungalows
16no.	2-Bed Houses
3no.	3-Bed Houses
1no.	4-Bed Houses
Total 100 Dwellings	
Car Parking: 1 space per 1 bedroom Apartment, 2 spaces per 2, & 3 bedroom dwellings, 2 or 3 spaces per 4 bedroom dwellings, 43 Visitors spaces throughout site	
Cycle Parking: 2 spaces per House in rear garden stores or garages	
Gross Site Area: 7.15Ha	
41% Accessible dwellings for the elderly (Bungalows or Ground Floor Apartments) 52% Smaller dwellings to be provided (1 & 2 bed apartments and houses)	

ILLUSTRATIVE LAYOUT ONLY

Client's Name: **Welbeck Strategic Land III LLP**
 Job Title: **Land South of Pett Level Road, Fairlight Cove**
 Drawing Title: **Illustrative Masterplan**

Scale: **1:500 @ A0 / 1:1000 @ A2**

Drawn	Checked	Date
KE	AK	16.04.19
Job No: 6552	Drawing No: 52	Date: A

Status: **PRELIMINARY**



Residential Accommodation Schedule

Open Market Provision - 26 Dwellings

2no. 1-Bed Apartments
 2no. 2-Bed Bungalows
 4no. 2-Bed Houses
 6no. 3-Bed Bungalows
 7no. 3-Bed Houses
 5no. 4-Bed Houses

Affordable Provision - 19 Dwellings

4no. 1-Bed Apartments
 2no. 2-Bed Apartments
 4no. 2-Bed Bungalows
 5no. 2-Bed Houses
 3no. 3-Bed Houses
 1no. 4-Bed Houses

Total 45 Dwellings

Car Parking 1 space per Apartment
 2 spaces per house

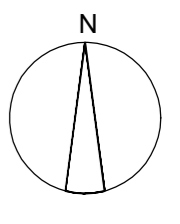
15 Visitors spaces throughout site

Cycle Parking 2 spaces per House in rear garden stores or garages

Gross Site Area: 3.42Ha

Residential Site Area: 2.11Ha

Density (based upon residential site area): 21.3dw/Ha



Rev	Date	Revision Details	Dr	Ch
A	04.12.18	Access Road added, boundaries added/adjusted	KE	AK

ECE Architecture
 www.ecearchitecture.com

London: 76 Great Suffolk Street, London, SE1 0BL
 T 0207 928 2773 E london@ecearchitecture.com

Sussex: Brooklyn Chambers, 11 Goring Road, Worthing, West Sussex, BN12 4AP
 T 01903 248777 E sussex@ecearchitecture.com

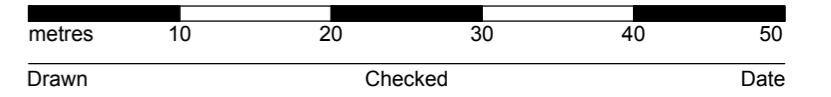
Bristol: Westworks, Colston Tower, Colston Street, Bristol, BS1 4XE
 T 0117 214 1101 E bristol@ecewestworks.com

Client's Name
Welbeck Strategic Land

Job Title
Wakehams Farm, Fairlight

Drawing Title
Sketch Layout - Western Field Only

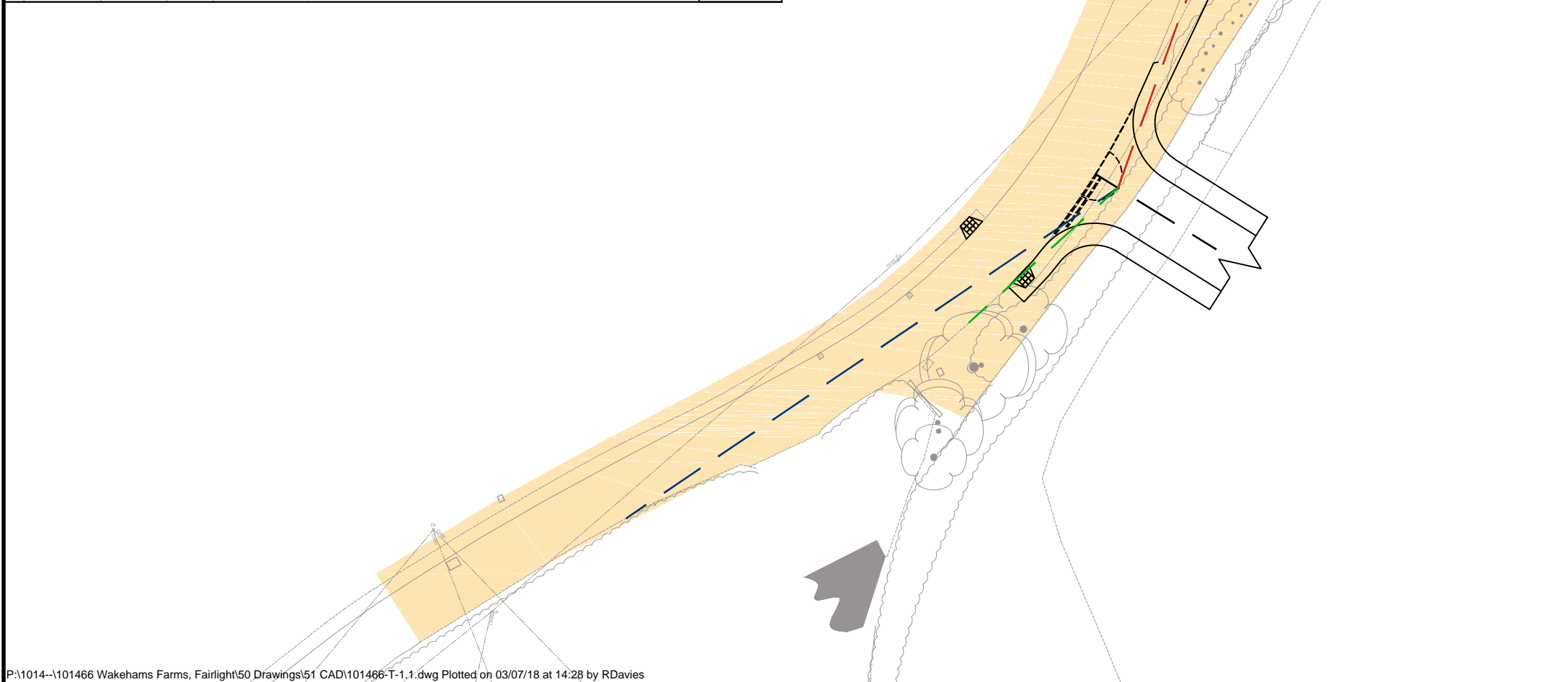
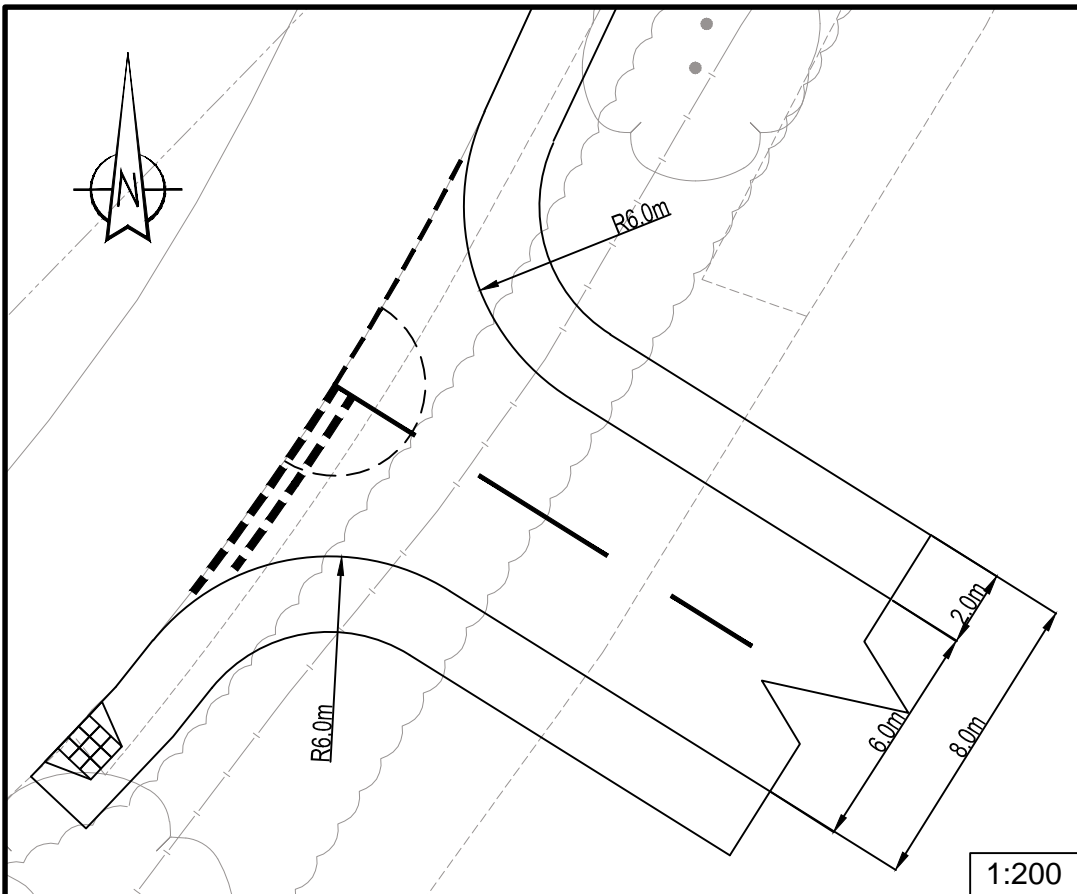
Scale
1:500 @ A1 / 1:1000 @ A3



Drawn	Checked	Date
KE	AK	03.12.18

Job No	Drawing No	Rev
6552	SK12	A

Status
PRELIMINARY



Notes:

This drawing is based upon drawing number 17/299/100-M supplied by Maltby Surveys Ltd and Pell Frischmann shall not be liable for any inaccuracies or deficiencies.

Key:

- DMRB Calculated Visibility Splay of 2.4m x 45.8m* looking North (Based on 85th %ile Speeds of 24.3mph recorded in vicinity of Access**)
- DMRB Calculated Visibility Splay of 2.4m x 54.4m* looking South (Based on 85th %ile Speeds of 27.2mph recorded in vicinity of Access**)
- Visibility Splay to Tangent Point

* Distance inclusive of bonnet length (2.4m)
 **Speeds have been adjusted to include wet weather reduction of 2.5mph

Highway Boundary transcribed from 'OS' Base mapping to Topo.
 Pell Frischmann are not responsible for it's accuracy and advise that boundary is verified by solicitors.

P:\1014--\101466 Wakehams Farms, Fairlight\50 Drawings\51 CAD\101466-T-1.1.dwg Plotted on 03/07/18 at 14:28 by RDavies

Pell Frischmann
 5 MANCHESTER SQUARE LONDON W1U 3PD
 Telephone +44 (0)20 7486 3661
 Email: pflondon@pellfrischmann.com
 www.pellfrischmann.com

Project	Wakehams Farms, Fairlight		
Drawing Title	Access Drawing (Actual Vehicle Speeds)		

Drawn	MH	03.07.18	Scale	1:500 @ A3
Designed	MH	03.07.18	File No.	101466-T-1.1.dwg
Checked	RD	03.07.18	Drawing Status	Draft
Approved	PC	03.07.18	Drawing No.	101466-T-001
				Revision

Appendix 5: Suggested re-wording of Policy FAC2

For the purposes of this suggested re-wording of Policy FAC2 below, please refer to Appendix 2 as the corresponding Policies Map and Detail Map showing the proposed revised site boundary.

Policy FAC2: Land east of Waites Lane, Fairlight Cove

Land east of Waites Lane, as shown on the Policies Map, is allocated for residential development and associated amenity open space. Proposals will be permitted where:

- (i) approximately ~~30~~ **100** dwellings are provided in order to make efficient use of land, of which 40% are affordable;
- (ii) ~~at least~~ **approximately** 50% of the dwellings should comprise of appropriately designed ~~age-restricted~~ housing for older people **(affordable and market), including bungalows and 1-bed / 2-bed accessible apartments;**
- (iii) a **serviced plot for a new** doctor's surgery is provided, together with associated car-parking **towards the northern part of the site near to the Pett Level Road access, unless it can be demonstrated that this would render the remainder of the scheme undeliverable;**
- (iv) the development provides an amenity open space extending ~~across~~ **towards** the southern part of the site, ~~as indicated on the Detail Map;~~
- (v) vehicular access is provided off ~~Battery Hill~~ **Pett Level Road** together with footways to link to the existing footway on the southern side of Battery Hill 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 **hedging along the central field boundary, re-instatement of the historic hedgerow** ~~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 liaison with the service provider; and**
- (ix) an assessment and evaluation of the site's archaeological potential had been carried out and mitigation measures are implemented accordingly.**