

Draft

25 January 2019

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Please reply to:
Julian Lockett
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Dear Mr Batchelor

**Proposed redevelopment by Plutus Developments of the former Thomas Peacocke School site, Ferry Road, Rye. RR/2017/1778/P
As amended 10.01.2019**

Demolition of Queen Adelaide public house and erection of 65 residential dwellings comprising 38 houses and 27 flats with associated landscaping, car parking and other infrastructure

The Society has started to consider the proposals recently submitted on behalf of Plutus Developments for the former Thomas Peacocke site and wishes to object to the development for the following reasons. Before stating the basis for our objections, we would like to point out the lack of important information on the revised application form such as the size and type of housing units, i.e. number of bedrooms and parking provision. This information is only available buried deep in the Transport Assessment!

1.00 Land use

The proposal is for housing which is an appropriate use for the site and is supported by the Rye Neighbourhood Plan, submission version (sRNP) Policy H1& H8 although these policies state that an appropriate number of units is 50. However none of the 65 residential units are for affordable housing which is in direct conflict with Rother Core Strategy 2014 (RCS) Policy LHN2 and draft Development & Site Allocation Plan (cD&SAP 2018 Cabinet version Policy DHG1:

Affordable Housing

On housing sites or mixed use developments, the Council will expect the following percentages of affordable housing within the district:

(i) In Bexhill and Hastings Fringes, 30% on-site affordable housing on schemes of 15 or more dwellings (or 0.5 hectares or more);

(ii) In Rye, 30% on-site affordable housing on schemes of 10 or more dwellings (or 0.3 hectares or more);

The requirement for affordable housing is also supported by sRNP Policy H2 which seeks integration of affordable housing within any development. No doubt the question of viability will be raised by the developer and we address this in our penultimate paragraph.

The application should be rejected for this reason alone but there are additional grounds for rejection.

2.00 The landscape setting of Rye

The scheme for the main part involves developing brownfield land formerly occupied by school buildings. Additionally it requires demolition of the existing public house on the Ferry Road frontage and the virtual elimination of the wooded/green area running alongside the railway line. As can be seen from the attached Landscape Sheet 1, the green corridor along the railway line, of which the protected trees on the site are a major part, defines the boundary to the north of the historic core of Rye and the later residential development along Ferry Road and Udimore Road.

In the officer's report on the withdrawn Tesco application for the construction of a supermarket it was stated that.

'6.5.2 Views towards the site are important in the context of the centre of Rye and the Citadel. The site is viewed from some distant points and, while the main site was previously developed, today it appears as a 'green gap' between surrounding development.'

The report also commented on the importance of this green area in relation to the setting of Rye.

6.9 Protection of the green area alongside the railway, its incorporation into the site and wildlife issues

6.9.1 Although reference has been made earlier to the 'green area' beside the railway, in terms of the inclusion of part of this land into the area to be developed, the future of the remainder area – its preservation, enhancement and use – is a matter to be considered in itself.

6.9.2 The area is subject to a Tree Preservation Order which extends beyond the application site, north eastwards. The TPO was made to preserve this area as a green link as set out in the Local Plan. The woodland is a prominent feature in the landscape and is important in providing screening between the Rye Citadel area and application site and in helping to soften the Cattle Market area and Budgens supermarket to the south, which abuts the Rye Conservation Area.

The Society strongly supports this view and the importance of this green belt extending from the AONB to the west of Gibbet Marsh, itself designated as a Local Green Space in the sRNP, through the site and on to the east, as shown on attached Landscape sheets 1 & 2.

It is important that this continuity of a green corridor is maintained, not just in landscape terms but as a biodiversity corridor.

The Society accepts that some reduction, as was granted to both Sainsbury and Tesco, is inevitable but the wholesale obliteration of this protected woodland is unacceptable. See below for comparison of Priority Woodland retained in the Tesco and Sainsbury consents and the current scheme.



Sainsbury Scheme



Tesco Scheme



Current proposals

The sRNP also states as Part of Policy H8 that

- b. The development shall be designed to avoid damage to the Natural England priority woodland;*
- e. Any development application may need to be informed by an Ecological Impact Assessment (EcIA) in line with BS42020:2013 and CIEEM guidance.*

3.00 Biodiversity

As noted in 2.0 above, the sRNP calls for an Ecological Impact Assessment. Although this requirement only dates from Nov 2018, RCS believes that an ecological study should be provided so that the developer can meet the requirements of CS Policy EN5: Biodiversity and Green Space:

Biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate, to:

- (i) Maintain and develop a district-wide network of green infrastructure where possible linking areas of natural green space;*
- (ii) Protect and enhance the international, national and locally designated sites, having due regard to their status;*
- (ix) Require developers to integrate biodiversity into development schemes by avoiding adverse impacts from development of biodiversity or habitat, or where wholly unavoidable, provide appropriate mitigation against or compensation for any losses. In any event, developers will also be expected to consider and promote opportunities for the creation and/or restoration of habitats appropriate to local context.*

Without a suitable ecological study RCS cannot see how the current application can meet the above requirements and those of cD&SAP Policy DEN4: Biodiversity and Green Space

Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with Core Strategy Policy EN5 and the following criteria, as applicable:

- (i) proposals where the principal objective is to conserve or enhance biodiversity or geodiversity will be supported in principle;*
- (ii) development proposals should seek to conserve and enhance the biodiversity value of international, national, regional and local designated sites of biodiversity and geological value; irreplaceable habitats (including ancient woodland and ancient or veteran trees); and Priority Habitats and Species, both within and outside designated sites. Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause less or no harm, incorporating measures for prevention, mitigation and (in the last resort) compensation.*
- (iii) in addition to (ii) above, all developments should retain and enhance biodiversity in a manner appropriate to the local context, having particular regard to locally present Priority Habitats and Species, defined 'Biodiversity Opportunity Areas', ecological networks, and further opportunities identified in the Council's Green Infrastructure Study Addendum.*
- (iv) larger developments of more than 2 hectares or 50 dwellings (whichever is the smaller) should produce a Green Infrastructure masterplan as part of their proposals.*

We note that, in the ecological study provided by Tesco, evidence of badgers on the site was observed. Furthermore, Sussex Ornithological Society has indicated the presence of Turtle Doves, a red-listed breeding species, on the site.

4.00 Impacts of Fluvial and Tidal flooding

RCS notes that the anticipated 1-in-200-year flood level arising from a tidal breach is 3.69m AOD. This is above the current ground level with a resultant potential depth of flood water of between 0.6m and 1.48m.

There are two ways of addressing this flooding potential.

1. Build off the existing ground level but with living and sleeping accommodation at first floor and above. This is the strategy adopted at Bridge Point and by the new developments along the banks of the Tillingham.
2. Artificially raise the ground level across the site to above the projected flood level and provide a dry escape route from the site for every occupant.

The current proposals are based on adopting the second method. It is proposed to raise the ground level of the roads and pavements to 3.69m AOD and establish a ground-floor level for the housing of 3.99m AOD, giving a 300mm freeboard as required by the Environment Agency (EA) for habitable accommodation.

RCS notes that, in the recent withdrawn application on the Tilling Green Community Centre site, EA required a freeboard of 600mm where sleeping accommodation was located on the ground floor. This occurs in a number of units in the current application. We believe that, if the EA requirement is sustained, these blocks will need to be redesigned.

The proposed build-up of the ground level would also mean that all dwellings will have to be accessed by steps. So will any private gardens although it would appear from the levels strategy plan that the level of all the private gardens is to be raised to a lesser extent. The effect of this soil build-up on any surviving part of the Priority Woodland is likely to be significant and lead to its total loss.

Although construction issues are not usually a planning issue, RCS notes that an average build-up of 1m across the site will result in the need for 14,200 cubic metres of fill. Given that all imported fill will need to be compacted, a doubling of the amount of imported fill required would not seem unreasonable. An eight-wheeler dump truck can carry between 13 and 14 cubic metres of loose fill so it would appear that around 2000 lorry trips will be required to achieve the site build-up. All these will have to come either along Udimore Road or through the town via Ferry Road. RCS believes that the developer should be asked to address the environmental issues arising from the design approach they have adopted.

RCS notes that CS Policy EN7: Flood Risk and Development states

'Flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk from flooding, and to direct development away from areas of highest risk. Development will be permitted providing the following criteria are met:

(i) Where development is proposed in an area identified as at flood risk, the applicant will be required to submit a site-specific Flood Risk Assessment which demonstrates that the development will be safe, will not increase flood risk elsewhere, and where possible will reduce flooding'.

RCS finds it difficult to see how the displacement of 14,200 cubic metres of flood water would not have a detrimental effect on the surrounding areas. We would also question if the creation of this island will have an effect on the breach flood pattern in the wider area.

5.0 Access and parking

RCS notes that the Queen Adelaide is now to be demolished in order to achieve an acceptable access on to Ferry Road and to meet the objections from Network Rail regarding the proximity of the access to the level crossing.

We note that the parking provision is calculated on the basis of the East Sussex Residential Calculator which indicates the need for 92 spaces. We will rely on ESCC Highways to sign this off. A number of garages are included in the plan but the parking space provided by these should be calculated in line with the ESCC stipulations.

'Where garages are proposed they will need to meet the minimum dimensions set out below and even then will only count as 1/3rd space each due to their limited use. This means for every 3 garages to be provided, they will only count as 1 parking space towards the overall parking requirement.'

See below our comments on refuse storage or rather the lack of.

Because of the location adjacent to the railway and the future improvement of the train service, as well as the parking congestion on Ferry Road and Tillingham Avenue, we would expect ESCC to require the full provision of parking and not allow the -5% reduction.

We note that, should sRNP Policy T2 be adopted, the parking requirement would be for 138 spaces with additional visitor parking.

We cannot identify adequate storage space for cycles on the floor plans.

6.0 Drainage

Approval of the surface water drainage will be by the relevant authorities i.e. EA and the Romney Marsh Inland Drainage Board (IDB).

In respect of the foul sewage, Southern Water has indicated that an initial study shows there is insufficient capacity in the sewer in Ferry Road outside of the site. The nearest point that could accommodate the anticipated load is at the treatment works in Rye Harbour Road. The developer would therefore have to ask Southern Water to provide a new main from the site down Winchelsea Road and Rye Harbour Road so that the foul waste could be pumped to the treatment works.

If this is the case, RCS urges Southern Water to ensure that the new sewer is adequate for additional foul waste arising from the other proposed development envisaged in the sRNP.

7.0 Other design issues

Apart from the total lack of any affordable housing there are other design issues that we believe should be addressed.

7.1 Internal Space standards

It would appear from an initial consideration that a small number of the proposed units are below the internal space standards adopted in cD&SAP.

7.2 Ease of access and mobility

The cD&SAP Policy DHG4: Accessible and Adaptable Homes requires that
The Council adopts the Optional Buildings Regulations for Accessible and Adaptable Homes. All dwellings are required to meet M4(2): Category 2 – Accessible and Adaptable Dwellings. Where there is an identified need on the Housing Register, sites that provide affordable housing in line with Policy DHG1, are as part of the affordable housing requirement, expected to provide 5% of the total housing requirement to meet M4(3): Category 3 - Wheelchair Accessible Dwellings.

As no affordable housing is to be provided, no such accessible and adaptable housing is provided. Given the age range of potential occupiers in Rye, this is unacceptable.

7.3 Self-build and custom housebuilding

The cD&SAP Policy DHG6: Self-build and Custom Housebuilding requires that
The Council will support Self and Custom Housebuilding projects subject to compliance with other relevant Local Plan policies. On sites of 20 or more dwellings, provision for 5-10% of the total number of dwellings to be provided should be made available as serviced plots for self and custom housebuilders.

This policy requirement does not appear to be met.

7.4 External residential areas

The cD&SAP Policy DHG7: External Residential Areas
An integrated approach to the provision, layout and treatment of external areas of dwellings should be taken in accordance with relevant Core Strategy policies and with specific regard to the following:
(i) Private External Space: Appropriate and proportionate levels of private usable external space will be expected. For dwellings, private rear garden spaces of at least 10 metres in length will normally be required. In relation to flat developments and complexes, an appropriate level of usable communal amenity space should be provided.

(ii) *Car parking and cycle storage: Provision for car parking and safe and secure cycle storage should be made in accordance with Core Strategy Policy TR4 and East Sussex County Council's 'Guidance for Parking at New Residential Development' and 'Guidance for Parking at Non Residential Development'. Its siting and design should be considered at the outset and be appropriate to the location, layout and design approach of the development, respecting and being informed by the character of the locality.*

(iii) *Waste and Recycling: Sufficient bin storage and collection points must be provided on all new residential developments and changes of use. Their siting and design should be considered at the outset, be integral to the development, respect the visual amenities and streetscape character of the dwelling and area, and be fully accessible for collection.*

4.68 Refuse and recycling storage and collection facilities should be considered at the beginning of the design process in new development to ensure that:

- Adequate refuse and recycling facilities are provided to serve the development.*
- Storage of wheelie bins, communal waste bins and refuse sacks do not detract from the street-scene, obstruct access or detract from residential amenity.*
- There is convenient access, both for occupiers of the properties and for the collection vehicles and workers.*

RCS is particularly concerned at the apparent lack of storage space for the wheelie bins that are an intrinsic part of refuse collection in Rye. Every dwelling requires storage space for at least two wheelie bins, an area of 1.4x.8m. There is also the need for storage of cycles and for mobility scooters as required for all accessible affordable housing.

RCS would also deplore the apparent lack of any external communal play-space as has been provided at Valley Park and at a development of 66 houses in Northiam.

8.00 Viability

The RCS is concerned that the question of viability will be raised by the developer. They may contend that, because of the topographical, environmental and statutory constraints, the requirements set out in the Local Plan and other planning documents should be reduced or omitted.

The site was purchased by Plutus Developments in October 2016, according to Land Registry records, at which time due diligence would have revealed the following information pertaining to any future development.

Requirement for Affordable housing
Flood conditions and likely restrictions

Rother Core Strategy 2014
EA Flood maps, CS 2014
Tesco and Sainsbury Flood Assessments for the site, December 2010
Application for housing at Tilling Green, some 400m away and in the same flood zone. In particular the response from EA in November 2015.

Landscape and biodiversity issues

RDC officer's report on Tesco and Sainsbury applications, April 2011.

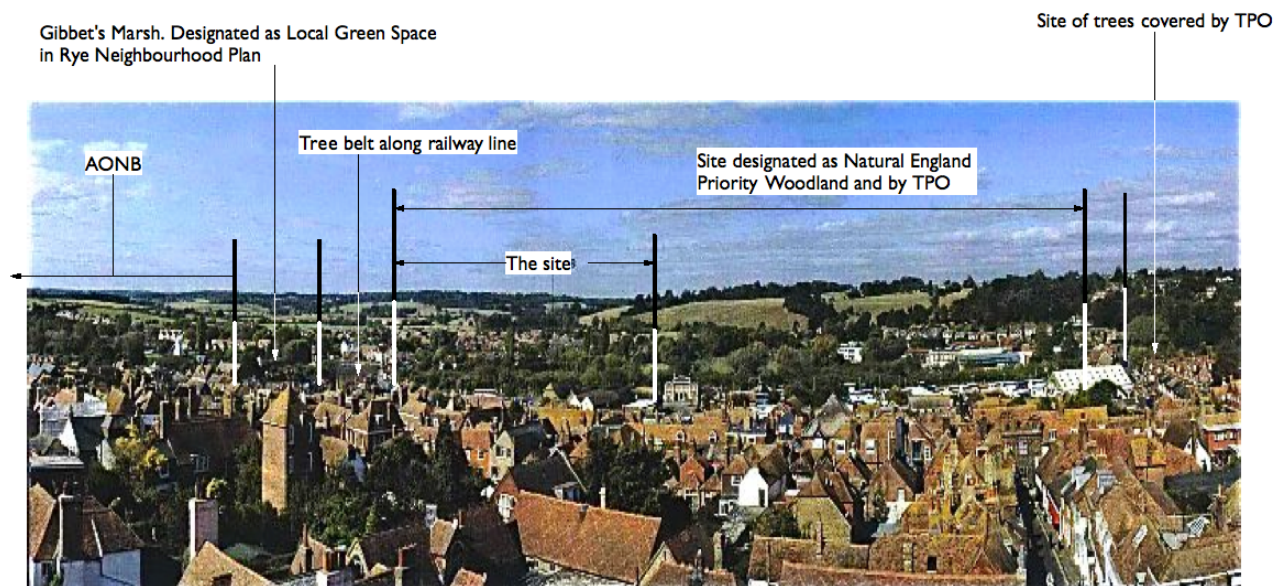
Access and parking requirements.

The need to meet East Sussex Highways and Network Rail constraints as to the location of any site access is clearly evident from consideration of the documents relating to the Tesco and Sainsbury applications.
The need to meet ES parking standards is set out in CS para 18.43.

Any adequate due diligence before purchase would have revealed the parameters within which a future developer would need to work. There can be no excuse at this stage to assert that they ‘did not know’. If they paid too much for the site and it is now more expensive to develop, that is their problem. There can be no excuse or justification for a reduction in the planning requirements.

For the reasons stated above the Society objects to the application and recommends refusal.

Julian Lockett
Chairman Planning Committee
Rye Conservation Society



Landscape impact of development of former Thomas Peacocke site
Sheet 1
View from St Mary's Church Tower

