

**Comments by Rye Conservation Society  
on policies contained within the  
Rye Neighbourhood Plan  
Pre-submission version. Policies as set out  
in RNP shown in blue.  
Where RCS believes an alteration to the  
policy title is needed, this is shown in red.**

**Rye Conservation Society  
6 April 2018**

**Comments on policies contained within the Rye Neighbourhood Plan Pre-submission version. RNP Policies highlighted in blue. Where RCS believes an alteration to the policy title or other minor amendments to the policy text are needed, these are shown in red.**

## **Policy H1 Housing Allocations**

**To meet the Rother Core Strategy housing target for Rye the following sites, as delineated on the Policies Map, are allocated for development subject to the criteria in policies H2-H8 and other relevant development plan policies:**

**a. H3 - Former Tilling Green School for 10 dwellings**

**b. H4 - Rock Channel for 35 dwellings**

**c. H5 - Winchelsea Rd East for 10 dwellings**

**d. H6 - Winchelsea Rd West for 20 dwellings**

**e. H7 - Freda Gardham School for 35 dwellings**

**f. H8 - Lower School Site for 50 dwellings**

**These allocations would provide a total of 160 dwellings.**

The number of homes to be provided has been determined by Rother in the Core Strategy. Because of the constraints on development in Rye arising from the flood plain, land ownership, existing employment use and other factors, Rother set a range for the required number of homes of 67-112, to be allocated within the RNP. How this figure is arrived at is set out in para 4.5 of the RNP. It is not the figure of 160 shown in Policy H1 which is simply the total of potential anticipated homes within each of the designated housing locations. There is no guarantee that these numbers will be achieved. The RNP cannot force development of a certain level to be undertaken and future development is determined by factors that lie mainly outside the control of any local authority, such as the national economic and regulatory climate, perceived housing demand, site viability, etc.

We also note that, within the individual policies, the following housing numbers are identified.

Policy H4 gives a range of housing between 20 and 35.

Policy H5 is up to 10 dwellings.

Policy H6 is up to 20 dwellings

Policy H7 is up to 35 dwellings and is subject to completion of the Eastern Rother Tidal Walls in 2022.

The Society believes that it would be better to alter H1 to state that between 67 and 112 homes will be provided to meet the CS requirement by 2028 and that they will be provided by development on all or some of the identified sites. We also believe it would be better to refer to the numbers as 'approximate' or to omit them completely and address the likely numbers within each separate policy.

We note that Fig 5 is incorrect as it indicated Valley Park as being covered by H2. We also feel that H4 should be revised to omit the allotments and the eastern areas. We also note that, in time, the strategic gap to Rye Harbour will need to be amended if the dDSAP extension is adopted. We would also query the extent of the site for H6.

RCS has a number of general comments on the designated sites. See below.

A key part of the Government's ambition to build 1 million homes is to get work started on brownfield sites. Two of the designated sites, the former Tilling Green School and the Lower School sites, are brownfield sites. It can also be argued that the former Bourne's site in Rock Channel is a brownfield site and RCS believes that the RNP should state

- 'that wherever possible the development of brownfield sites should be prioritised'.

The other three remaining sites are all currently in full or partial use for employment and there is a potential conflict with Policy EC3(CS) as amended in the dDSAP.DEC3

*Effective use of existing employment sites will be secured by:*

*(i) land and premises currently (or last) in employment, including tourism, use being retained in such use unless it is demonstrated that there is no reasonable prospect of its continued use for employment purposes or it would cause serious harm to local amenities;*

This conflict may well lead to delay in sites being available for development, reduction in the potential for housing if employment use has to be retained on site and the site not being available within the Plan period.

The third factor affecting development is common to all six sites and that is that they are all within Flood Zone 3 with the exception of H8 which is mainly within Zone 2 on the revised November 2017 Flood Plan. Importantly this is likely to mean that any housing development will require all habitable accommodation to be at first-floor level and above to meet a 200-year tidal flood breach. This requirement is likely to have a considerable impact on the type of housing that will be developed for these sites. It is unlikely to be financially viable to develop individual houses. Development on these sites is most likely to be in the form of 3-storey town houses or flats where the ground floor will contain an entrance hall, wc/utility room and garage with living and sleeping accommodation above. The requirement to restrict habitable accommodation to first floor and above will depend upon the revised flood levels as the Environment Agency's Flood Map for Planning was updated in November 2017 following the completion of detailed tidal modelling covering Romney Marsh and Rye. We believe that flood levels are, in general, lower than those modelled in the previous study undertaken in 2009.

Development of a brownfield site in the flood zone with the necessary infrastructure costs will be more expensive than on a greenfield site and this will result in potentially higher density developments in order to achieve the required financial return.

**Subject to the comments above the Society supports Policy H1.**

## **Policy H2 Affordable Housing, Housing Mix, Access to Housing and other Housing Standards**

The housing developments allocated under H1 shall include:

a 30% of the units as affordable housing to meet local needs as required under Rother Core Strategy Policy LHN2. The layout and design of affordable housing will be appropriately integrated into each development so affordable housing is indistinguishable from the equivalent market housing. Affordable housing should be spread carefully through the development, not isolated in specific blocks.

b. Housing of a size, type and mix which will reflect both current and projected housing needs for Rye including dwellings suitable for elderly occupants and smaller units (1 and 2 bedrooms) for younger people and those looking to downsize their accommodation.

Within the text of this policy it is noted that 'many local people, because of their low earnings, cannot afford to buy into or even rent because commercial rents are relatively high'. In this context 'affordable housing' does not mean housing that people can afford to buy. Rather it refers to dwellings that are specifically NOT for sale but are made available through a social housing provider for social rented, affordable rented and intermediate (partial tenure) housing. We believe that this point should be made clear in the policy, not just as a footnote. We also note that the policy does not mention the RCS paragraphs relating to social housing dwelling mix (RCS para 15.14) or the social rental/intermediate tenure split (RCS para 15.15). If the RNP does not seek to revise these criteria, we believe that they should be noted in the policy.

This policy will need to be amended following the adoption of the relevant policy within the dDSAP regarding affordable housing and with regard to the PPG, i.e. no affordable housing will be required for developments of between 6-10 dwellings.

Whilst developers for any social housing should follow the housing mix figures contained within the RCS, no direction appears to be given on what constitutes 'Housing of a size, type and mix which will reflect both current and projected housing needs for Rye'. We believe that the policy should indicate at least where the necessary information can be found. If requirements are not known, it is difficult to see how any proposed development can be assessed as meeting the policy.

The Society believes that this Policy should be expanded to cover access to housing and other housing standards policies contained within the dDSAP when such policies are adopted.

**Subject to the above comments the Society supports Policy H2.**

### Policy H3 Former Tilling Green School

The former Tilling Green school site is allocated for a development of some 10 dwellings and a community centre (475 sqm) subject to the following criteria:

- a. The community centre is to be retained in-situ or re-provided before the dwellings are occupied;
- b. If the community centre is re-provided it shall face onto Mason Road to make a more community inclusive and accessible facility;
- c. The design of new development shall be sympathetic to the building form and materials used in surrounding buildings and provide appropriate private gardens for the dwellings and public open space for the community centre;
- d. Access and car parking should be provided according to appropriate standards; and
- e. Flood risk is to be mitigated by a SuDS for surface water and improved sewerage to cope with the additional flows. This must alleviate historical surface water flows and ponding in Mason Road.

The Society is concerned as to the arbitrary imposition of an apparent limit of 10 dwellings on the site by Rother. If this is based upon the current layout and density of Tilling Green, it will be unachievable given the current flooding criteria and its likely effect on viability. If the site has been limited in size due to the public space provided for the community centre, then this should be indicated on the plan.



Limiting the housing provision to 10 units will mean that, under the recent PPG, no affordable housing will have to be provided unless the development is undertaken by a social housing provider as a stand-alone social housing project. This latter option was recently found to be not viable; the Amicus Housing scheme was however ill-considered and financially overburdened by the requirement to replace the Community Centre. Limiting the development to 10 units, still with a requirement to cover the financial cost of upgrading or replacing the Community Centre, may render the development of this site not viable and therefore not in conformity with the NPPF. It would be better to set out the extent of the public space to be provided as well as the extent of the works required to the Community Centre, should it be retained, and leave the housing provision to the market given the design constraints contained in the RCS and the RNP.

The policy, where it relates to access and parking standards, should refer to the ESCC standards. There should be an item stipulating that the location of all habitable accommodation should meet the requirements for the 200-year tidal breach flood criteria i.e. on this site is likely to be at first-floor level and above. This was confirmed as part of the examination of the withdrawn Amicus Horizon application.

In our view, condition e. should be expanded to cover the requirement for any discharge of surface water into adjacent water courses to have the consent of ESCC and Romney Marsh IDB.

**Subject to the above comments the Society supports Policy H3.**

#### **Policy H4 ~~Site A~~ Rock Channel West**

**Site A at Rock Channel is allocated for a mixed use development including 20-35 dwellings in this location, subject to the following criteria:**

- a. The design of new development shall be innovative and of high architectural quality, having regard to its riverside location, with green spaces and improved and accessible riverside walks;**
- b. Access to the site will be via the existing track on the west side of the site, upgraded as necessary, with an improved access point onto the A259 as required by the Local Highway Authority;**
- c. the development shall be designed to minimise and mitigate flood risk including appropriate surface and waste water drainage; and**
- d. The development will draw on the principles, objectives and sustainability appraisal of the Rock Channel 2005-2007 planning briefs in relation to Site A.**

Site A as indicated on Fig 7 is, in the Society's view, too vague and can be taken as indicating that part of the development site includes the residential houses fronting on to Shipyard Lane. The site to which this policy applies needs to be clearly identified.

As part of the wider Rock Channel site is in employment use, the only part currently available for development is the former Bourne's site. H4.1





The Society believes that the following conditions should be added to the policy

- Access and car parking should be provided according to ESCC standards and to Highways England standards in respect of access to the A259(T).
- Flood risk is to be mitigated by a SuDS for surface water and improved sewerage to cope with the additional flows. Any discharge of surface water into adjacent water courses will require the consent of ESCC and Romney Marsh IDB
- All habitable accommodation forming part of the residential element of the development is likely to be located at first floor and above to meet the flood design criteria relating to the 200-year tidal flood breach.
- Environment Agency design criteria regarding the proximity of any development to the river need to be addressed and met.

The Society is of the view that reference to the 2005/2007 study should be omitted as it is out of date, internally inconsistent and conflicts with the policies contained in RNP Policy D1 High Design Quality and the design policies of the RCS. H4 says 'The design of new development shall be innovative' yet imposes the rigid rectilinear design philosophy contained in the 2005/2007 design study.

**Subject to the above comments the Society supports Policy H4.**

### **Policy H5 Winchelsea Road [East Side]**

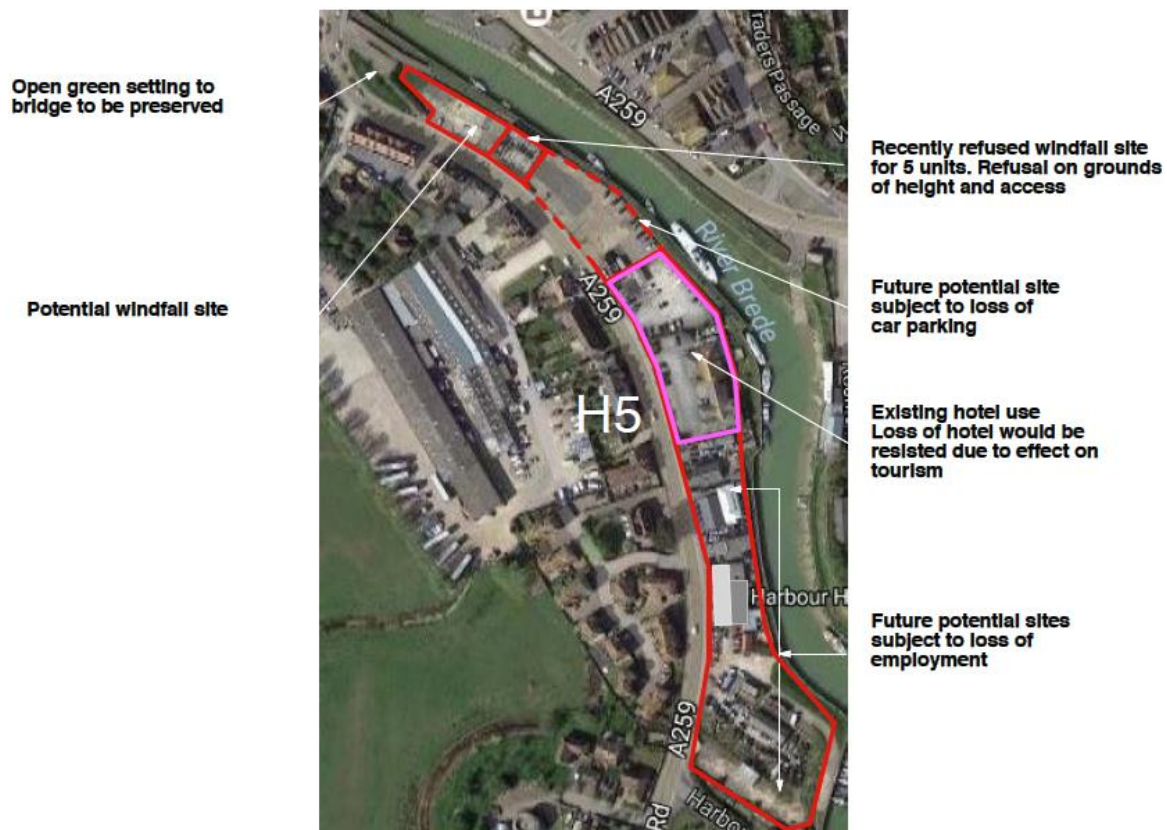
**Winchelsea Road (East Side) is allocated for a mixed use development with up to 10 dwellings across the broad location, car parking or B1 employment subject to the following criteria:**

- a. development of the location will need to be undertaken on a comprehensive basis and/or according to an overall masterplan;**
- b. the design shall be of high architectural quality and create a strong sense of place;**
- c. buildings shall be orientated to allow views to the cliff face, maximise visual permeability, and protect longer views from the countryside towards the Citadel; and**

**d. the development shall be designed to minimise and mitigate flood risk.**

The Society believes that, because of the mixed ownership and current range of uses, development on a comprehensive basis is highly unlikely and questions who would produce an overall master plan. We believe that the design criteria contained in the RNP Policy D1 and in the RCS design policies are sufficient to guide the development of this site. In addition, because any development will essentially be linear, the development of a 'sense of place' is unlikely to be achievable. We also note that Fig 9 indicates the loss of the open green area adjacent to the bridge at the north end of the site which we believe should be retained. It is our view that condition d. should be omitted and the following conditions added.

- Access and car parking should be provided according to ESCC standards and to Highways England standards in respect of access to the A259(T).
- Flood risk is to be mitigated by a SuDS for surface water and improved sewerage to cope with the additional flows. Any discharge of surface water into adjacent water courses or rivers will require the consent of ESCC, Environment Agency and/or Romney Marsh IDB.
- All habitable accommodation forming part of the residential element of the development is likely to be located at first floor and above to meet the flood design criteria relating to the 200-year tidal flood breach.
- Environment Agency design criteria regarding the proximity of any development to the river must be addressed.



The Society is concerned that over-emphasis on maintaining a strict height restriction of two storeys combined with the flood design criteria will result, in the case of residential development, in 'bungalows on stilts' or more likely no residential



development at all, as it will prove financially unsustainable, particularly given the likely construction costs adjacent to the river.

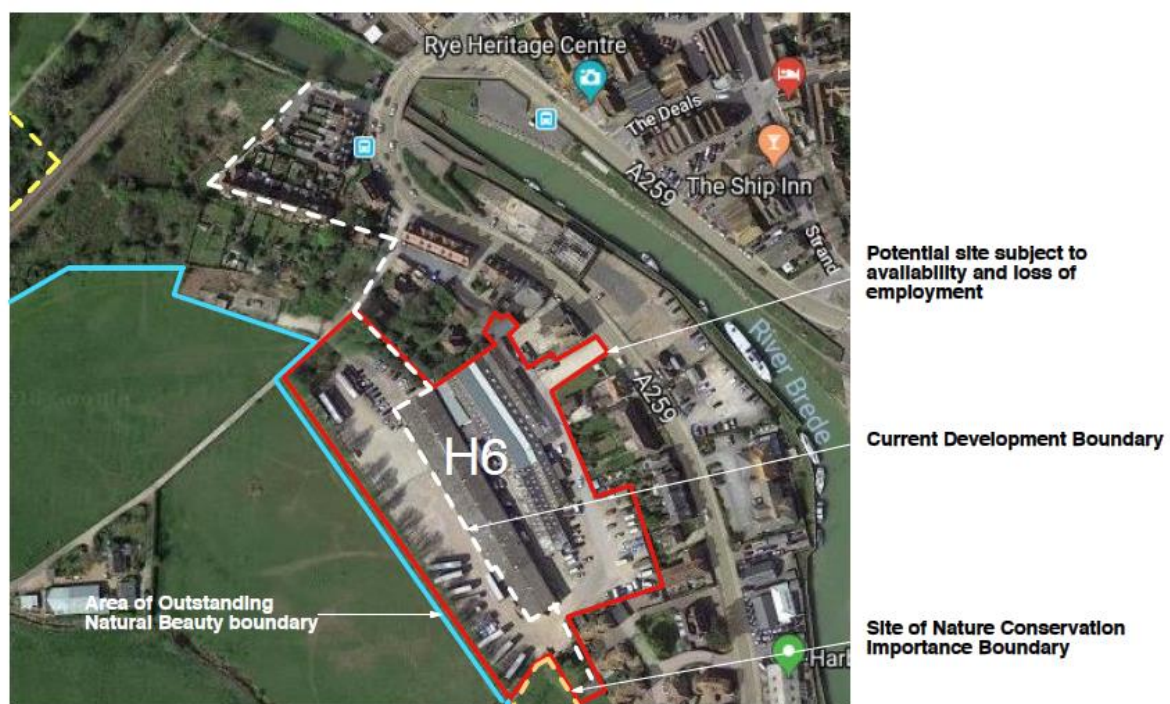
**Subject to the above comments the Society supports this Policy H5.**

### **Policy H6 Winchelsea Road [West Side]**

**Winchelsea Road (West Side) is allocated for a mixed use development of up to 20 dwellings and B1 employment subject to the following criteria:**

- a. development of the location will need to be undertaken on a comprehensive basis and/or according to an overall masterplan;**
- b. the design shall create a strong sense of place;**
- c. buildings shall be orientated to allow views through to the marsh to the south-west; and**
- d. the development shall be designed to minimise and mitigate flood risk.**

In 2015 the extent of the area used by the haulage and distribution business on this site was increased (see RR/2015/2933/O), extended up to the boundary of the AONB and to the north and south. The extent of H6 shown on fig 9 does not show this and the Society is unclear as to whether this is deliberate or an oversight.



The current extent of the business usage does not correspond with the current development boundary and this needs to be brought into line.

It is our view that condition d. should be omitted and the following conditions added.

- Access and car parking should be provided according to ESCC standards and to Highways England standards in respect of access to the A259(T).
- Flood risk is to be mitigated by a SuDS for surface water and improved sewerage to cope with the additional flows. Any discharge of surface water

into adjacent water courses will require the consent of ESCC and Romney Marsh IDB.

- All habitable accommodation forming part of the residential element of the development is likely to be located at first floor and above to meet the flood design criteria relating to the 200-year tidal flood breach.

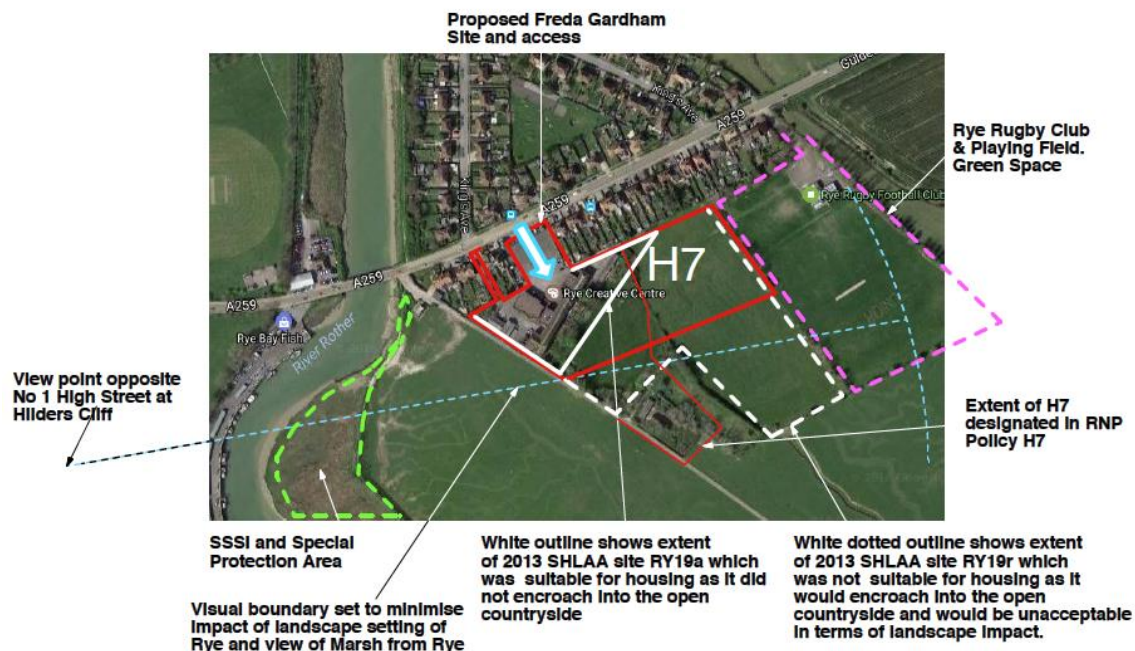
**Subject to the above comments the Society supports this Policy H6.**

### **Policy H7 Former Freda Gardham School**

The former Freda Gardham School site is allocated for a mixed use development of up to 35 dwellings, at least 10% of which will be self /custom build subject to the following criteria:

- a. the development shall not commence until the flood mitigation works planned for 2022 by the Environment Agency for the eastern bank of the River Rother (Eastern Rother Tidal Walls) have been fully implemented;
- b. the development shall include appropriate treatment to the south and west boundaries to protect the countryside and habitats beyond; and
- c. the development shall be designed to minimise and mitigate flood risk.

The Society is concerned that the site H7 as set out in fig 10 will be unacceptable in terms of landscape impact as it would encroach into the open countryside. This was confirmed in the 2013 SHLAA report, see site RY19r. We are particularly concerned on the impact that this current site designation will have on the wider landscape and on the Marsh when viewed from Rye itself. We believe that it is in conflict with the thrust of RNP Policy E1.



The Society is of the view that the area of the site should be reviewed and revised with greater emphasis placed on the setting of Rye and of the open views from Rye to the Marsh. The effect of the development of the current site H6 on the long views towards the Marsh are shown on the attached diagram.



**View of potential development site H7  
from Hilders Cliff**

It is our view that condition c. should be omitted and the following conditions added.

- Access and car parking should be provided according to ESCC standards and to Highways England standards in respect of access to the A259(T).
- Flood risk is to be mitigated by a SuDS for surface water and improved sewerage to cope with the additional flows. Any discharge of surface water into adjacent water courses or river will require the consent of ESCC, Environment Agency and/or Romney Marsh IDB
- All habitable accommodation forming part of the residential element of the development is likely to be located at first floor and above to meet the flood design criteria relating to the 200-year tidal flood breach.

The inclusion of 10% of the dwellings for self/custom build is laudable but we question whether, given the enhanced construction costs arising from flood criteria, ground conditions and other factors, it will prove financially viable.

**As currently designated Policy H7 is not supported by the Society although, when suitably revised, the site is acceptable for a mixed development.**

### **Policy H8 Former Lower School Site**

**The former Lower School Site is allocated for up to 50 dwellings subject to the following criteria:**

- a. the development shall be designed to minimise and mitigate flood risk;**
- b. the development shall be designed to protect the natural and heritage characteristics of the site and in particular to avoid damage to the Natural England priority woodland;**



- c. access to the site shall be carefully designed to be safe, accessible for pedestrians and cyclists as well as vehicles and avoid conflict with the nearby level crossing of the railway;
- d. parking provision on the site will be in accordance with local standards and avoid increasing pressure for on-street parking in the vicinity of the site.

We note that the site as indicated on fig 11 is incorrect as it does not include the site of the Queen Adelaide. Because of the proximity of the level crossing, retention of woodland and access to the fire station, it will be necessary to locate the site access on part or all of this additional area. The plan should be amended.



In terms of the attached conditions, we believe that a. and d. should be omitted and replaced with the following.

- Access and car parking should be provided according to ESCC standards and to Highways England standards in respect of access to the B2089. Due to the size of the development, a full transport analysis will be required to show the effect on the local highways network.
- Flood risk is to be mitigated by a SuDS for surface water and any discharge of surface water into adjacent water courses will require the consent of the ESCC and Romney Marsh IDB.
- Proposals for the upgrading of the sewerage system currently running at capacity will be required.
- All habitable accommodation forming part of the residential element of the development is likely to be located at first floor and above to meet the flood design criteria relating to the 200-year tidal flood breach.

In terms of the natural and heritage characteristics of the site, it will be necessary to accept a reduction in the extent of the TPO woodland belt in order to achieve a development of 50 dwellings. Such a reduction, in the range of 50%, was accepted as part of the supermarket consents and should be accepted as part of H8. If the Queen Adelaide is considered to be a heritage asset then its retention may well compromise any development of this site. We believe that mention of heritage characteristic should be omitted.

**Subject to the above comments the Society supports Policy H8.**

## **Policy D1 High Quality Design**

Development within Rye will be expected to achieve high quality design having regard to the character of the area in which the development is located, which is detailed in the Rye Character Assessment. Proposals will demonstrate how the design has had regard to the relevant development plan policies and the following principles specific to Rye:

- a. High quality design on a human scale with a clear sense of place and connection to its surroundings
- b. Selective redevelopment which is planned comprehensively rather than piecemeal
- c. A vibrant mix of land uses such as housing, employment and retail
- d. Making the best use of the rural margins and riverfronts to reinforce the connections between the town and its landscape setting
- e. Ensuring and improving accessibility including pedestrian and cycling routes linking all areas to each other and back into the centre of Rye, reinforcing Rye as 'a connected community' with pedestrian and cycle access to all
- f. Managing flood risk including pluvial (surface), fluvial (river), coastal (sea), combined sewerage and runoff and high water table/springs
- g. Providing affordable housing to meet the needs of Rye into the future
- h. Respecting and recording archaeology, particularly that relating to Rye's long history as a port, trading and agricultural centre
- i. Maintaining quality into the future through the use of sustainable and good quality materials, sound construction techniques, and planned appropriate management regimes
- j. Flexibility and innovation.

The Society believes that this policy should reinforce the design criteria included within the Rother CS i.e. Policy EN2 Stewardship of the Historic Built Environment, Policy EN3 Design Quality Policy, EN4 Management of the Public Realm and Core Strategy Appendix 4 rather than reiterate the majority of the Design Principles set out in the 2007 Rock Channel study. Although consulted on, this was never adopted and carries limited weight. We also feel that a cross-reference should be made to RNP Policy E3 which relates to design within the historic built environment.

We note that conditions a, b, c, and i are general design conditions that could apply across Rother as a whole and are already set out in RCS policies. They do not appear in their present form to be 'specific to Rye'. Condition g is not a design quality issue and is covered by Policy H2 and h should be included within Policy E3 Historic Environment. We welcome conditions d and j.

In order that residents of Rye can assess the quality of the design and any resultant effect on the amenity of their property, we believe that this policy should reiterate the need for all drawn information to meet the requirements of the National and Local List of Planning Application specifications. In particular, the extent of any adjoining buildings should be fully drawn, at least up to and including the first adjoining window on any relevant elevation and where a development is part of a semi-detached house, both parts should be drawn. An accurate level of any new roof ridgeline must be shown to enable planners and residents to check that what is built complies with the given consent.



We also have difficulty identifying what exactly is the Rye Character Assessment and where this is to be found. If it is Appendix 3, we believe that it is flawed and largely unnecessary.

**Subject to the above comments the Society supports the intent of Policy D1.**

### **Policy F1 Reducing Flood Risk**

**Development in areas at current or future risk from flooding will be subject to a Flood Risk Assessment which applies the ‘sequential test’ and ‘exception test’ and demonstrates that:**

- a. there are no other reasonable available sites for the development;**
- b. there are sustainability benefits to the community that outweigh flood risk; and**
- c. the development can be made safe for its lifetime without increasing risk elsewhere.**

**Flood Risk Assessments will take into account the following local characteristics:**

- a. the particular geographic location of Rye at the confluence of three rivers and the coast;**
- b. the planned improvements to flood defences and the need to maintain those that exist;**
- c. the need to address local sewerage systems which, in extreme conditions, experience “hydraulic overload” and may discharge untreated waste to water courses and the sea;**
- d. the need to manage drainage for surface water to reduce existing flooding problems either on the site or elsewhere, taking into account the springs to the north and west of Rye which aggravate surface water and ponding and can also be the cause of soil erosion and landslip;**
- e. the need to avoid any loss of or have adverse impact on any open watercourse and existing culverts and drainage ditches;**
- f. the use of Sustainable Drainage Systems (SUDS) and measures such as permeable driveways, water harvesting systems and/or green roofs;**
- g. the impact of any flood mitigation measures on the local habitats and wildlife, which are protected by national and international designations.**

**All design to cope with flood risk will take full account of the detailed technical guidance accompanying the National Planning Policy Framework (Footnote 29)**

This Policy reiterates the policies set out in the RCS and in the NPPF and its Technical Appendix.

RCS Policies

Policy EN6 Flood Risk Management

Policy EN7 Flood Risk and Development.

Proposed policy dDSAP Policy DEN5: Sustainable Drainage

We believe that these policies should be noted within RNP Policy F1 as DEN5 gives more information regarding SuDS and includes the need for applicants to demonstrate that arrangements are in place for ongoing maintenance of SuDS over the lifetime of the development, which is vital. Currently RNP Policy F1 does not.

Overall we have a concern that Policy F1 will not be acceptable to ESCC. We note that a similar general policy has been objected to in the Salehurst & Robertsbridge Submission Plan by ESCC with the following comments.

***‘The inclusion of a specific Policy on Flood Risk within a Neighbourhood Plan would normally only be appropriate if it offered a locally distinct application of policy that is consistent with national and local planning policy. We believe this is not the case with Policy IN8. Therefore, we are firmly of the view that inclusion of this policy in the plan would be in conflict with the relevant basic conditions regarding consistency and conformity with national planning policy and the strategic policies in the Rother Development Plan. Given that the wording of the policy leads to ambiguity and confusion, and does not seem to conform to either the Local Plan or National Policy, we would recommend that Policy IN8 is deleted. However, if the Parish Council would still like to include a section on Flood Risk Management within the Neighbourhood Plan, we would recommend the use of a statement or guidance note instead of a Policy. Such a statement could be used to set out the context of flood risk management when assessing development proposals and it would need to make accurate reference to East Sussex County Council’s role as a Statutory Consultee to the planning system, and to the East Sussex Local Flood Risk Management Strategy 2016 – 2026 and relevant guidance at <https://www.eastsussex.gov.uk/environment/flooding>’***

**Omission of this general flooding policy within the S&R NP has recently been upheld by the Independent Examiner.**

Whilst these are very general requirements, the Society would like to see specific policies as below.

- All new dwellings will be designed to have a predicted water discharge of no more than 110 litres of water per person per day. Proposed dDSAP DEN1.
- Proposals that would create new culverts (unless essential to the provision of an access) and that would result in the loss of an open watercourse will not be permitted.
- Parking spaces and driveways associated with new developments will be required to have permeable surfaces.
- \* All new housing built within flood zone 3 should be constructed using Flood Resilient techniques for the lower floor.

It is believed that Fig.13 is out of date as the Environment Agency’s Flood Map for Planning was updated in November 2017 following the completion of detailed tidal modelling covering Romney Marsh and Rye. This highlights the danger of including plans produced by an outside organisation that are subject to updating or amendment. It would be better just to direct the reader to where the information can be found.

**Given the likely objection by ESCC to such a general policy, the Society believes that Policy F1 should be redrafted to reflect specific local flood design criteria and/or specific design issues and in line with ESCC’s comments above.**

## Policy B1 Business Development

To support the economic vitality of Rye development proposals for the following will be permitted subject to other relevant development plan policies:

- a. development which regenerates or enhances the fishing and maritime and port related industries;
- b. development of micro (low footfall) businesses around the Citadel in Zone B (Figures 12 and 17);
- c. proposals for new business development especially small scale flexible office units, affordable workshops and high quality office space;
- d. development which facilitates improved broadband access for businesses and home workers.

Existing business floor space (particularly in the core area in Figure 17) will be safeguarded unless it can be demonstrated to the satisfaction of the Local Planning Authority that the premises are no longer suitable for business use and evidence has been submitted that demonstrates that the property has been actively marketed for at least 18 months on realistic market terms and it is shown that there is no prospect of new business occupiers being found.

The Society is concerned that Fig 12 indicates that Zone B includes areas such as King's Avenue which are entirely residential and where development of micro-businesses could result in loss of residential amenity. We note that Fig 17 does not indicate Zone B at all. We believe that the areas for micro-businesses should be more clearly defined.

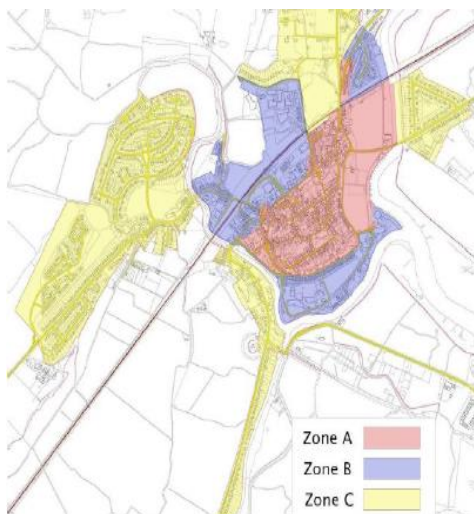


Fig 12



Fig 17

We note that the policy regarding existing business floor space will need to be amended in line with the final wording of dDSAP Employment. Policy DEC3: Existing Employment Sites and Premises when it is adopted.

The Society notes that, in the Employment Site Review that supported the draft Development & Site Allocation Plan 2016, 'encouragement is given to Rye Town Council, through its Neighbourhood Plan, to consider the potential to promote higher density office-led schemes in more central locations'. dDSAP para 9.35. The Society is unclear as to whether this option has been taken on board or has been rejected.

**Subject to the points noted above the Society supports this policy.**

## Policy B2 Supporting Rye as a Visitor Destination

To support the attractiveness of Rye as a place to visit, development proposals for the following will be permitted subject to other relevant development plan policies:

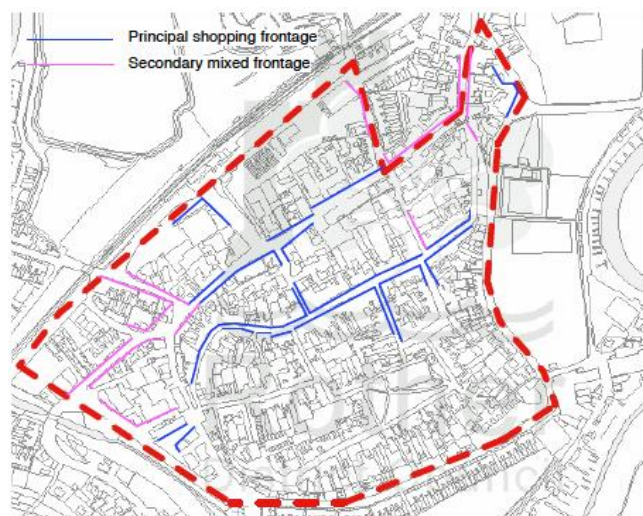
- a. development that enhances the Core Town Centre Area in central Rye (See blue on the map at Figure 17), to improve visitor attraction;
- b. Proposals that support the retention of the former cattle market as a site for a traditional weekly market and daily parking;
- c. Proposals that support the maintenance of an information centre as part of the Rye Heritage Centre;
- d. Proposals that support the provision of visitor accommodation and hospitality services; and
- e. enterprises which promote “green tourism” such as walking and cycling and appreciation of the area’s natural assets.

It is the Society’s view that Fig 17 gives an inaccurate indication of the Core Town Centre Area as it is an update of the Rye Shopping Area which formed part of the 2006 Local Plans map. It does not include the largest convenience shop i.e. Costcutter’s.

Over the intervening years, the variety of uses within the Core Centre has expanded with the growth of holiday accommodation including Airbnb, cafés and restaurants, the increased emphasis on comparison shopping i.e. visitor spend, and on cultural activities such as Kino. It is no longer traditional retail and residential. With the Permitted Development regulation in respect of changes within the retail and business classes, any designation of uses will be out of date within a short period. We therefore believe that it would be better to designate the area shown on the plan below. If it is necessary to delineate the shopping areas, this could be done by highlighting the principal shopping frontages on the plan. This would also allow for the designation of secondary mixed-use frontages such as Landgate, where low footfall may make retail usage uneconomic and a more mixed use could be allowed.



Fig. 17



Alternative delineation of Core Town Centre Area

Subject to these comments the Society supports policy B2.



### **Policy B3 Future Retail Development ~~New Supermarket~~**

A site at Gibbet Marsh as delineated on the Policies Map is allocated for a convenience store of about 1,650 sq m subject to other relevant development plan policies and the following criteria:

- a. Submission of a retail impact assessment demonstrating that the proposal will not have a significant adverse impact on the vitality and viability of the town centre;
- b. The development will be of a form, scale and height appropriate to its setting and retain or replace existing trees and other vegetation;
- c. The development will retain and enhance pedestrian links into the town centre to encourage linked trips;
- d. The development will retain the area of open space on the north-eastern portion of the site to act as an attractive transition between the development and the town centre;
- e. At least 150 car parking spaces will be retained / re-provided as part of the proposal and made available to customers and linked trips to the town centre;
- f. An improved access will be provided to the site including the ability for large delivery vehicles to enter and egress the site safely; and
- g. the development shall be designed to minimize and mitigate flood risk.

The Society believes that this policy should be renamed Future Retail Development and deal not just with convenience shopping i.e. food but other matters such as comparison shopping non-food items, the future of existing shops in the High Street and related matters such as a potential petrol filling station.

### **Convenience Shopping**

The policy to provide additional convenience shopping floorspace i.e. food and basic provisions, is contained in the Core Strategy and results from the proposals for Rye contained in the Rother District-wide Shopping Assessment 2008, which is now 10 years old.

The Assessment notes that the retail sector is one of dynamic change and would require review and update on a regular basis and we are unaware whether an update has been carried out. The changes in the retail sector over the last few years have been wide-ranging, evidenced in the case of Rye by the withdrawal of Sainsbury's and Tesco from the potential development of the former Lower School site. Since 2008, Asda, Lidl and Aldi supermarkets have opened in Hastings and Tesco and Waitrose in Hawkhurst. Whilst the Assessment notes the potential for internet shopping, it does not take into account the exponential growth of this approach to shopping especially in the food sector. Although the recently completed extension to Jempson's was factored into the 2008 assessment, the development of Costcutter, net area 240sqm, on the Skinners site in Fishmarket Road was not.

If all the major supermarket brands, Sainsbury's, Tesco, Morrison's and Asda are refocusing their property direction with the advent of Sainsbury's Local and Tesco's Metro, the so-called discount retailers Lidl and Aldi are aggressively looking to expand. However neither Lidl nor Aldi have identified Rye as a location where they are actively looking to develop, presumably because it does not have the required catchment population in excess of 10,000. A stated requirement of both operators is for a site of between 1.3-1.5 hectares, ideally situated on principal roads with a prominent road frontage and strong pedestrian and traffic flows.



Whilst the former Lower School site would meet these criteria (but not enough for Sainsbury's and Tesco), we believe that Gibbet's Marsh does not. There is also no guarantee that parking will remain freely available for visitors in the long term, given the recent example of Jempson's charging for parking after 30 minutes.

The site of the former Freda Gardham School matches these criteria far better and would result in far less loss of amenity to adjoining houses.

We believe that the designation of the Gibbet's Marsh site solely for a supermarket potentially blights this site which should have a continued use as visitor parking with upgraded signage within the town and enhancement of the pedestrian linkage to the Strand. The fact that people are unaware of its location does not recommend it as a site for a supermarket.

With the upgrading of the railway, the pressure on parking adjacent to the station could well result in the loss of coach parking and may put pressure on car parking within the town centre. Gibbet's Marsh parking area could provide for this additional parking requirement.

We also believe that use of this site as a supermarket would be detrimental to the adjoining Site of Nature Conservation Importance and is in conflict with RNP Policy E2 Green Infrastructure which designates Gibbet's Marsh as a Green Space (10).

Indeed we believe that a policy stipulating a particular development type, i.e. a supermarket of a specific size in a sub-optimal location, may well reduce the potential for additional convenience shopping in Rye. We believe instead that a policy should be adopted which supports additional convenience floorspace in Rye, within the development boundary, up to 1400sqm without specifying the type of development or location and subject to the necessary constraints such as a retail impact assessment, access and design.

### **Comparison Shopping**

The same shopping report that identified the need for additional convenience shopping also identified a potential increase in comparison shopping of 533sqm by 2026. It was accepted that some of the turnover potential could be absorbed by existing comparison shopping floorspace in Rye town centre trading more intensively. However the report anticipated that the quantum of additional comparison goods floorspace identified above could be provided through selective redevelopment, the expansion of existing premises, infilling schemes around the town centre and as part of the floorspace within any new food store or stores.

This projected increase needs to be considered in the light of the rapidly-changing retail environment. A reconsideration may well result in greater pressure being placed on selective redevelopment, the expansion of existing premises and infilling schemes around the town centre rather than the creation of new buildings.

### **High Street and Existing retail outlets**

In respect of the Town Centre and in particular, those principal shopping frontages mainly on the High Street, the Society believes that the policies set out in the CS Policies EC7 (i), (iv), (v) & RY1 (iv) should be reiterated and amplified. In addition reference should be made to policies relating to design issues and the importance of

retaining historic shopfronts which help to maintain the draw of Rye as a destination and as a shopping location.

### **Potential petrol filling station**

The recent application by BP for a petrol filling station has been opposed by Rother, Rye Town Council, the RNPSC and the Rye Conservation Society as it is located outside of the development boundary and because of its effect on the AONB and the setting of Rye.

One of the reasons given by the applicant for the location is that all other potential sites are in flood zone 3. It is the Society's understanding that petrol filling stations do not contain hazardous substances as defined in the Planning and Hazardous Substances Reg 2015. Therefore, subject to passing the Sequential Flood location test i.e. is there a site that is in Flood Zone 1 or 2, less vulnerable uses such as a filling station are appropriate in Flood Zones 1-3A. Due to its location, virtually all of Rye lies within Flood Zone 3a. A petrol station could therefore be located in any of the two mixed development sites identified in the Rye Neighbourhood Plan adjacent to a major road, namely Winchelsea Rd East and the former Freda Gardham School site, or indeed any other appropriate site which meets all the other planning criteria.

**The Society does not support the current policy for the reason stated above and is of the view that it should be redrafted.**

### **Policy T1 Connectivity and Sustainable Transport**

**Development proposals within Rye will be permitted subject to other relevant development plan policies and the following criteria:**

- a. The development is located close to the town centre and other community facilities to enable access to these amenities by walking and/or cycling;**
- b. The design of new development makes the most of opportunities to improve walking or cycling facilities in and around the site, including linking with other strategic routes such as the National Cycle Network and the Greenway initiative;**
- c. The development includes cycle parking and other facilities that would encourage users to access the site by foot or bicycle.**

**Proposals to implement all or parts of the Greenway initiative, as shown on the Policies Map, will be supported.**

The level of cycle parking is set by ESCC Highways and it would be helpful to future developers for this to be specified. The Society notes that it has been a requirement of Highways England that any development of the former Lower School site should include an upgrade of the pedestrian approach across the level crossing. However we believe that this is better noted in Policy H8.

We note that no mention is made of the England Coast Path which is currently out for consultation for the section from Camber to Eastbourne which will have to pass through Rye.

**Subject to the above the Society supports this policy.**

## Policy T2 Car Parking

Development proposals within Rye will be permitted subject to other relevant development plan policies and the following parking standards:

- a. new dwellings with 2, 3 or 4 bedrooms will be provided with a minimum of 2 off-street car-parking spaces per dwelling.
- b. new dwellings with more than 4 bedrooms shall be provided with a minimum of 3 off-street car-parking spaces.

The parking provision for any new development is set by ESCC Highways using their sophisticated residential parking demand calculator which gives a particular parking figure for each parish. Other than anecdotal evidence and press articles, the Society sees no reason to support a change from the ESCC model.

A parking level upgrade was included within the Salehurst & Robertsbridge submission plan but this was opposed by Rother and ESCC Highways. See S&R Rother comments below.

*'This policy appears to require more stringent approach than the ESCC Highways Authority requirement (parking calculator). **The highway authority has confirmed that they do not support an arbitrary localised standard and that reference should only be made to the ESCC parking calculator and 'Guidance for parking at new residential development'. The District planning authority echoes the Highways Authority's concern.** Also, this policy could be an unrealistic constraint on layout for smaller houses, as well as having inevitable implications for the achievable plot density and, hence, site capacities. Policy IN1 may also be seen to encourage car dependency in a village which enjoys comparatively good public transport links, including a train station. This raises issues of sustainability. There seems to be insufficient evidence to justify a local departure from the County Highways Authority's approach to parking which already calculates requirements taking into account local circumstances. It is proposed that Policy IN1 be deleted and, instead, reference be made in supporting text to the need for development to comply with the ESCC parking calculator and the ESCC 'Guidance for parking at new residential development'.*

**Omission of this enhanced parking policy within the S&R NP has recently been upheld by the Independent Examiner.**

The Society does have concerns as to how the parking standards relate to development in Rye as set out below.

- a. Because of the design constraints, particularly those relating to tidal flood levels and the demand for smaller units, it is likely that there will be a higher percentage of flats in future developments in Rye than would otherwise be the case. The ESCC residential parking standards are lower for flats than for houses, with no allocation for visitor parking. The Society would like to see the higher house standard, with its allowance for visitor parking, to be applied to all dwellings.
- b. The Society is concerned that, in two recent planning decisions, Brewery Yard and The Kettle of Fish, development consent was granted without any on-site parking being provided. Seven flats have therefore been given consent without any parking provision, which will result in increased pressure on street

parking, already at full capacity. This is unfair not only on future occupiers but also on existing residents. In our view it is not acceptable for dwellings to make use of public car parks with the attendant parking costs. All future housing developments, whether designated i.e. 11 or more or windfall 10 or less, should be provided with on-site parking.

- c. In a number of recent approvals, part of the required parking provision has been allowed off-site on adjoining leasehold land. The Society believes that this should only be allowed where there is a leasehold arrangement of 20 (?) years or more and that evidence should be provided with the application.

The Society believes that a condition addressing loss of existing parking should be added.

- Development proposals that would result in the overall net loss of existing on-street parking and/or off-street parking, including public parking areas, will not be supported.

**The Society believes that it will be rejected by Rother and ESCC Highways and should be redrafted to cover the points noted above.**

## **Policy I1 Community Facilities**

**The following facilities are particularly valued by the community and they will be safeguarded from loss or alternative uses:**

**Community Centres (Conduit Hill and Marley Road); Early Years facilities, Rye Leisure Centre; the Salts sports fields and facilities including Rye Bowls Club; and Rye Rugby Club.**

**Development proposals that result in the loss of sites or premises currently or last used for community purposes will be refused unless:**

- a. alternative provision of the equivalent or better quality is available in the local area or will be provided and made available prior to the commencement or redevelopment of the proposed scheme; or**
- b. it can be demonstrated there is no reasonable prospect of retention for the current use and that no other community use of the site is suitable or viable.**

The Society believes that Rye Tennis Club as a registered Community Amateur Sports Club should be added to the list.

With a current population of approx 4,500 and with all residential areas within 25 minutes' walk to the centre, the Society believes that the Plan should support as a policy objective the development of a centrally-located multi-purpose community facility. This could be incorporated into any potential redevelopment of the current Rye College facility, as is now common across the country, a true community facility.

**Subject to the above the Society supports the Policy.**

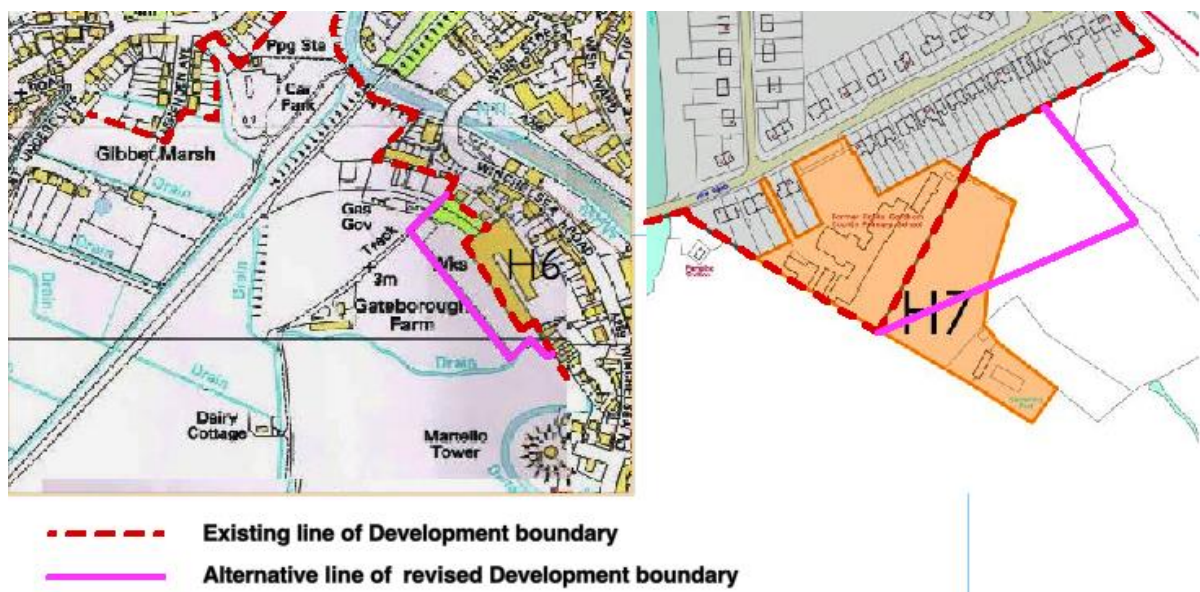
**Policy E1 Development Boundary, Strategic Gap & Setting of Rye**  
New development in Rye will be contained within the Town's Development Boundary as defined on the Policies Map but taking account of two adjustments proposed by this Plan.

**(RNP Support 1 – Sites S2 and H7)**

Outside the Development Boundary, development will be restricted to that for which a countryside location is necessary or which accords with other specific Development Plan Policies

Any development on the edge of Rye will be controlled to protect the designated areas surrounding Rye (Figure 26) and the Strategic Gap between Rock Channel and Rye Harbour, all with the aim of conserving and enhancing the open landscape bordering Rye that contributes to its unique historic setting.

The Society is in agreement with amending the line of the Development Boundary in the area H7 but to a different line as shown below, in order to limit the impact of new development on the setting of Rye and its relationship to the Marsh. In the case of H7, the line as currently shown in the RNP would result in development that would conflict with the policy aim of 'conserving and enhancing the open landscape bordering Rye that contributes to its unique historic setting'. See comments on H7 above.



As the Society does not agree with the designation of Gibbet's Marsh S2 for retail use, we see no need to amend the development boundary in this area.

The Society believes that the development boundary around site H6 should be amended to align with the actual site conditions following the 2015 approval.

**Subject to the comments above the Society supports this policy.**



## **Policy E2 Green Infrastructure**

**To protect and encourage the provision of green infrastructure:**

**a. the green spaces listed below and identified on the Policies Map will be safeguarded from loss or alternative uses.**

- 1) Valley Park common areas**
- 2) TG Community Centre green area**
- 3) Masons Field**
- 4) Tilling Green Triangle**
- 5) Pottingfield Green 1**
- 6) Pottingfield Green 2**
- 7) Pottingfield Green 3**
- 8) The Close Green**
- 9) Rye College Sports Field**
- 10) Gibbet Marsh – car parking and green space**
- 11) North Salts - cricket pitch and skate board park**
- 12) Middle Salts – play area**
- 13) Town/Recreation Salts – Bowls and recreational area**
- 14) The Strand – green spaces within flood defence walls**
- 15) The Church Yard**
- 16) Freda Gardham School Field**
- 17) Rye Rugby Club Field**
- 18) Kings Avenue Open Space**
- 19) Land adjacent to the railway line in central Rye**
- 20) Land to the East of the River Tillingham accessed from Ferry Road**

**b. Any trees lost through development are to be replaced either on the site or in close vicinity to it. As roots are vital to keep trees healthy and upright all development proposals must take into account the impact on the roots of trees to be retained and avoid damage to them.**

**c. Where practical, development proposals will include improvements to local green infrastructure, particularly to improve connectivity for people and habitats.**

The Society notes that the list above does not agree with the plan in Fig 28. The Plan shows 13 spaces but the list above is for 20; the above is numbered but the Plan uses letters. These need to be harmonised.

The Society is not aware of a particular planning designation for 'green infrastructure'. A number of the identified areas are already protected by being within the Conservation Area i.e. Church Yard and Strand, or because their loss would result in the loss of residential amenity, as in Tilling Green and King's Avenue. If protection is to be given by policies within the RNP then the areas to be protected need to be accurately designated on a plan, not just generally indicated.

The Society is surprised that the opportunity has not been taken to designate the North, Middle and Town Salts and Rye Rugby Field as Local Green Space (LGS) consistent with the NPPF (paragraph 77). Although this states that 'The Local Green Space designation will not be appropriate for most green areas or open space', the NPPF (para 77) mentions three factors that are key for the designation and which would appear to apply to the Salts and the Rugby Field.

The factors are:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

Such designation would give a level of protection equivalent to that of a Green Belt.

The replacement of trees lost in a development is supported but it will be difficult to locate replacement sites in the vicinity as the developer is unlikely to have control beyond the development site.

The Society believes that the policy should make mention of dDSAP draft policy DEN4, Biodiversity and Green Space, if and when adopted.

The Society would like to see the question of garden-grabbing addressed, with wording along the lines of

- The inappropriate development of residential gardens within the Development Boundary, where such development would harm local character, will be resisted. The Rye Character Assessment (see evidence base) will be used as a reference to assess the impact of any proposals”.

**The Society supports the general thrust of Policy E2 subject to the above comments.**

### **Policy E3 ~~Heritage~~ Historic Built Environment**

**The Society feels that this policy should be renamed to bring it into line with the wording used within the RCS.**

**All development impacting on the historic built environment of Rye will be designed with regard to the characteristics set out in the Rye Conservation Area Appraisal. These include:**

- a. The medieval pattern of narrow streets with most of the buildings lining the footways; the occasional recess by way of court or garden providing an interesting contrast and giving variety to the streetscene;**
- b. Partially revealed 'glimpse' views created by the curve or slope of many of the streets or by passageways;**
- c. Buildings largely of two or three storeys with pitched roofs in which there are often dormer windows;**
- d. The high number of timber-framed buildings, with the more formal work of the medieval period being represented in the few buildings of stone;**
- e. The restricted palette of materials, prevalent ones being brick, handmade clay tile (for roof or tile hanging), weather boarding, painted render and slate;**
- f. The good historic street surfaces including several streets that are paved with cobbles;**
- g. The highly visible and important roofscape of jumbled historic clay-tiled roofs, its impact heightened by the topography of the town.**

The Historic Environment is given considerable protection by the NPPF and the policies within the Rother Core Strategy particularly EN2 & 3. However the Society feels that, because of the importance of the historic fabric of the town, it is vital to reinforce this element of the Plan.

The sentiment of the policy is supported but the Society feels that, rather than just setting out the characteristics of historic Rye, a series of policies relating to development in the Historic Built Environment should be set out such as those below.

- Development that would result in the loss of either listed buildings or the buildings or structures of character, or those subsequently listed by any relevant authority, will not be supported.
- Local buildings identified by Rother DC as non-designated heritage assets, and other key buildings or structures which are of significant local architectural and historic interest and contribute to the Parish's distinctiveness, will be conserved in a manner appropriate to their significance. Development proposals will be expected to retain and enhance the local distinctiveness of such buildings and structures and their setting. The Rye Conservation Area Appraisal and the Rye Character Assessment Appraisal will be used as a reference to assess the impact of the proposals.
- Where applications would affect historic shopfronts within the conservation area, these should be conserved for their contribution to the area's character and historic or architectural interest and, where practicable, enhanced through sensitive restoration.
- Designated heritage assets in the Parish, including listed buildings and any scheduled monuments, will be conserved and/or enhanced where necessary for their significance, including the contribution made by their settings and their importance to local distinctiveness, character and sense of place.
- Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage assets. Applicants should clearly demonstrate that any harm is both unavoidable and justified on the basis of the public benefits it delivers.
- Within conservation areas and sites adjacent to or with views from and into conservation areas, development proposals will be required to preserve or enhance the character or appearance of those areas. Development proposals and extensions and alterations to existing buildings and structures will be expected to:
  1. be suitably designed for the context within which they are set;
  2. ensure that the scale and massing of buildings relate sympathetically to the surrounding area; and
  3. use traditional and vernacular building materials to respect the context of the development concerned.
- Additional consideration should be given to minor development within the Rye Conservation Area as such changes may be constrained by the reduction in Permitted Development rights under the Article 4 Direction which applies to the whole of the Conservation Area. This covers the requirement for planning approval for minor changes to the exterior of all dwellings, to their setting and includes such matters as changes to external paint colours.

Whilst they cannot be included as part of any Policy, the Society is of the view that Rye Town Council together with Rother should make the following changes to reinforce control over the Historic Environment.

- The Article 4 Direction should be amended to cover all buildings, not just dwellings in the Conservation Area
- The Core Town Centre Area should be made an Area of Special Control of Advertisements.

**The Society supports the intent of Policy E3 subject to the above comments.**

### **Policy E4 Renewable and Low Carbon Energy**

**All new developments shall be required to submit an 'energy statement' proportionate to the scale of development which explains how the proposal promotes the use of renewable and low carbon energy.**

**Measures could include the following:**

- a. The installation of smart meters for gas and electricity.**
- b. The fitting of solar panel systems where this is appropriate to the character of the building and the area.**
- c. Systems which permit energy storage (to transfer the 11am – 2 pm generation peak of a solar panel system to the evening demand peak between 6pm and 9pm).**
- d. Small scale individual and community energy generation systems including solar photovoltaic panels, biomass, anaerobic digestion and communal combined heat & power (CHP) units, ground and air source heat pumps.**
- e. wood fuel systems for smoke-free woodburners.**
- f. Demand response systems (rather than supply side) integrated by Virtual Power Plant (VPP) to manage the timing of peak demands for electricity.**
- g. Ground source heat pump (GSHP) networks where they can be installed in new installations such as future flood defences.**

The Society believes that the use of air source heat pumps should be included subject to satisfactory acoustic control.

On the question of the need for the provision of an 'energy statement', the dDSAP notes that 'evidence to date is that the requirement for an energy strategy appears to be at least perceived as an unduly onerous expectation from smaller developments and has not been secured. A higher threshold for an energy strategy, or 'statement', may be more reasonable for developments of more than 50 dwellings or non-residential developments of 5,000sqm or more floorspace'.

Any RNP policy needs to conform to the Rother policy when it is finally adopted or a form of 'energy statement' appropriate for smaller developments set out as an appendix to the Plan.

The Society suggests it would be appropriate to add a condition covering the provision of electric charging points for vehicles, or the provision of sufficient power to provide such points at a future date, for all developments above a certain size and/or type i.e. supermarkets, filling stations, etc. In addition should all new housing be required to provide a suitable charging point?

**The Society supports Policy E4 subject to the above comments.**