



11 November 2019

Please reply to:
Julian Lockett
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Northiam
East Sussex TN31 6PJ

Dear Councillor

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

As amended 31.07.2019

Demolition of Queen Adelaide public house and erection of 63 residential dwellings comprising 38 houses and 25 flats with associated landscaping, car parking and other infrastructure

The Society wishes to object strongly to the recommendation for approval of the above application contained in the Officer's report dated on the Rother website 07.11.2017.

We have written on three previous occasions setting out our objections and our principal objections remain the same. These are the lack of any affordable housing and the virtual destruction of the tree belt along the boundary to the railway line which forms a vital landscape and biodiversity element in the setting of Rye.

1. Omission of any affordable housing

The requirement that any housing development in Rye of over 10 units should provide 30% affordable housing is contained in Policy LHN2 of the Rother Core Strategy 2014 and was in place before the purchase of the site by the applicant. This has been supported by the recent Rye Neighbourhood Plan.

Rother Core Strategy 2014: Policy LHN2: Affordable Housing

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

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

Where it can be demonstrated that these requirements would either render otherwise suitable development unviable, or where the local need for affordable housing would no longer justify the above levels, *the Council will respectively expect the proportion of affordable housing to be the most that does not undermine viability*, (RCS Highlight)

The officer's report states that the lack of viability is the reason for the omission of all of the affordable housing provision. If this is the case with the largest of the designated housing sites in Rye, and with those site under 10 units not required to provide affordable housing, then it is unlikely that **ANY** affordable housing will be provided in Rye. This is because the design constraints that may have contributed to the lack of viability are likely to apply to all the other larger designated housing sites.

It is therefore vital that all the options relating to design criteria are examined before a decision is made and in our opinion this is not the case.

The principle design constraint on this site, as with all the other designated housing sites in Rye, is its location within either Flood Zone 2 or 3. This means that, in the event of a failure of the tidal flood defences, the site will be under water and any scheme has to be designed to meet this event. This is the case on the Thomas Peacocke site. There are two ways to overcome this.

The first is to raise the existing ground level to above the flood level designated by the Environment Agency. This is the approach adopted by the current applicant and will result in the provision of an additional average of .8m of fill across the site. This in itself requires a considerable construction undertaking, transporting up to 2000 lorry loads of fill to the site through the narrow roads of Rye.

The second is to design the housing with all the habitable accommodation at first floor and above with utility and parking on the ground floor. This is the approach adopted by a number of recent housing developments in Rye.

We note that the applicant is required to provide a Design and Access Statement (D&AS) as specified on Rother's own website:

The following information should always be included in a Design & Access Statement:-

Context Appraisal	Assessment of the site's context in terms of physical, social and economic characteristics and relevant planning policies, and how this assessment and evaluation has been used to formulate the design and access principles for the proposal.
Use	The use to which the development will be put.

However the D&AS submitted in August 2017 made no mention of the policy requirement for affordable housing or of any examination of alternative approaches to flood design. We also note that, in Rother's pre-application advice, the requirement to provide affordable housing was not emphasised.

It is as though the policy requirement for affordable housing has been dismissed from the very start of the design process and the design approach to flood relief chosen to maximise the viability argument.

2.0 Viability

Both the NPPF and the Rother Core Strategy stress the need to consider the viability of any application with the respect to the deliverability of the Local Plan requirements.

The Planning Portal states that

'Any viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and infrastructure and affordable housing providers. Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and ***be proportionate, simple, transparent and publicly available.*** (RCS highlight).

The reference to a viability report in the officer's report is the first mention of such evidence. We do not consider that this meets the 'publicly available' criteria.

Before omitting any affordable housing, the Society believes that viability options should have been explored for other design approaches. We find it ironic that one of the elements noted as counting against the viability of the scheme and therefore against the provision of affordable housing is the CIL levy of £783,405. The contribution of £78,000 for affordable housing is risible and is unlikely to provide one new affordable dwelling. It should be noted that the provision of affordable housing was one of the main requirements of the Rye Neighbourhood Plan.



Only the trees shown as dark green are to be retained. All the rest of the protected woodland area shown hatched in blue is to be grubbed up and the ground level built up for flood protection. The impact of this site build-up on the long-term health of the trees does not seem to have been considered.

If the retained trees are superimposed on the current site layout, the extent of the loss of the woodland and of this vital landscape and biodiversity habitat becomes obvious.



Thomas Peacocke Site Plan 30.7.2019

 Retained trees

The Society does not believe that the statement in the officer’s report that ‘This part retention, part replacement approach can ensure that trees and shrubs continue to act as a buffer to the rail line, provide a defined edge to the development and ensure continuity (least 5m wide) of the wildlife corridor which runs along the rail line – albeit in a more limited form’ is achievable, given the proximity of some of the proposed flats and houses and the fact that a number of the trees will be in back gardens. What should have been sought and provided was a continuous strip at least 5 metres wide along the whole of the boundary to the railway line.

4.00 Conclusion

The Society is of the opinion that the applicant has not proved beyond reasonable doubt that affordable housing cannot be viably provided on this site. Furthermore, the wholesale removal of the woodland screening, the importance of which Rother acknowledged in 2016, is unacceptable. For these reasons the application should be refused.

The fact that Rother cannot currently demonstrate a five-year housing supply does not mean that other policies, such as those relating to affordable housing provision and landscape matter, are 'out of date', as has recently been confirmed by the Supreme Court. Neither should the fact that Rother stands to gain over £1m if consent is granted and the development completed be a determining factor.

If this consent is granted what does Rye get? Certainly not what it asked for in its Neighbourhood Plan.

Julian Lockett
Chairman Planning Committee
Rye Conservation Society