

Planning Policy
Rother District Council
Town Hall
London Road
Bexhill-on-Sea
TN39 3JX



nexusplanning.co.uk

23 July 2024

Dear Sir/Madam

Draft Rother District Local Plan 2020 – 2040 – Regulation 18 Representations

We write on behalf of our Client, Devine Homes, in response to the Council publishing and seeking representations on the Regulation 18 version of the Draft Rother District Local Plan 2020 – 2040. We understand that the Council will collate representations received from communities, businesses, landowners, developers, partners and stakeholders to inform future versions of the Plan.

For the avoidance of doubt Devine Homes broadly supports the adoption of an up-to-date Plan for Rother. However, we do have comments and observations in response to a number of the consultation questions raised by the Council at Regulation 18 Stage.

Our client has an interest in the site known as Land at Bishop's Lane Robertsbridge (Site ID: SAL0012). We note that the Regulation 18 version of the Plan does not directly propose specific sites to be allocated for housing, but this site is suitable, available and deliverable and should be the subject of a specific site allocation policy for residential development in future versions of the Plan. The site is the subject of a live planning application that is expected to be determined favourably in the near future.

Vision for Northern Rother

The vision, as currently drafted, is only seeking small-scale development (9 residential units or less) as a means of growth within Northern Rother.

The Vision sets a housing target of 305 additional dwellings (178 identified level of housing growth and 127 potential additional level of housing growth) in the Parish Salehurst and Robertsbridge, over the plan period. This equates to the delivery of 15.25 houses per year, when considering the plan period of 2020-2040.

The Vision for Northern Rother identifies four development sites within the Parish of Salehurst and Robertsbridge. All of these sites had been allocated in the Salehurst and Robertsbridge Neighbourhood Plan (2016-2028). However, these sites have been allocated for a number of years and despite some sites having planning permission granted for development, delivery is yet to begin on site.

Particularly of note is Hodsons Mill, which has been allocated to provide 96 residential units within the draft Local Plan. Hodsons Mill was granted planning permission in July 2021 (LPA ref. RR/2017/382/P) for the erection of 96 residential dwellings non-residential floorspace comprising 280 sqm (Use Class A3) and 920 sqm (Use Class B1), and

associated access, car/cycle parking, open amenity space, strategic landscaping and green infrastructure and including restoration works to the Mill Building and Oast House.

Since planning permission was granted, no pre-commencement conditions have been submitted for approval, or discharged, and the development has not been implemented. The consent will therefore lapse in July 2024 if it is not implemented before that date and given the lack of progress in discharging conditions this appears likely.

It is also pertinent to note that in April 2023, the site was advertised for sale as a development opportunity, including being sent to our client to gauge interest. Having checked the titles it does not appear that it has been acquired by a new party. Considering the planning history of this site, the Council should not rely on it to deliver necessary growth in Robertsbridge.

The Salehurst and Robertsbridge Neighbourhood Plan was made in July 2018. It forms part of the Development Plan for the Parish. The Plan is over two years old and there is no published review taking place. Land at Bishop's Lane, Robertsbridge was put forward as a potential housing site to be allocated in the Neighbourhood Plan and was referred to by the Neighbourhood Plan Steering Group as "Bishops Lane Fields".

Within the Examiner's Report into the Salehurst and Robertsbridge Neighbourhood Plan, the Examiner states that:

"I need to make my position explicitly clear that had it not been for the provision of the emergency access route, I would not have been able to recommend the inclusion of the Mill Site as a housing allocation, as I could not conclude that it would have safe access in a 1 in 100-year flood event. Under that scenario, I would have had to consider the allocation of the Bishop Fields site, to make up the shortfall. However subject to this safe access being delivered, I accept that there is no overwhelming requirement for the Bishop Fields site to be allocated at the present time, having regard to the overall levels of housing proposed to be allocated to Robertsbridge in the adopted Core Strategy."

"I consider that preference for the Mill Site over Bishops Fields is a legitimate expression of local views which is at the heart of neighbourhood planning. In the light of that conclusion, I will not be recommending the amendment to the development boundary to include that site. However, I note that the intention of the Parish Council is that there will be a review of the plan in five years, and if the development on the Mill Site is not yet built, then the consideration of this land could be contemplated as part of that review. I do appreciate that this was a situation that presented itself with a previous Local Plan in the past."

As of early 2020, none of the Neighbourhood Plan Housing allocations have actually delivered any housing, and that questions remain about the viability and deliverability of Mill Site, which is meant to deliver the majority of housing requirement within the Parish.

Paragraph 5.80 of the draft Local Plan makes reference to the fact that more detailed consideration of the impacts of each site will occur after the Regulation 18 Consultation Stage. Through this Regulation 18 Consultation stage, the council are now seeking feedback on the opportunities for developments that are proposed, and to develop its evidence base to support the most suitable and sustainable sites coming forward for development.

It is clear that Bishop's Lane (Site ID: SAL0012) should be identified as a housing allocation in the emerging Plan, given all of the above. The current planning application shows a high quality scheme of 41 dwellings at the site.

Vision, Overall Priorities and Objectives

As currently drafted, the Plan seeks to focus ‘major’ development (defined by footnote 7 as housing development where 10 or more homes is proposed) in places where sustainable development can be achieved. The paragraph proceeds to state that all development will be net zero carbon ready and provide biodiversity net gain.

Whilst our client recognises that it is important for all development to be net zero carbon ready, and provide biodiversity net gain, the wording appears restrictive, with no definition of what constitutes a place where sustainable development can be achieved.

It is suggested that the Council provide a footnote definition of what constitutes a place where sustainable development can be achieved, and also provides reference to windfall sites and their vital role in supplementing housing delivery.

Strategic Spatial Objectives

As currently drafted, there are 10 spatial objectives of the Draft Local Plan, and text on how the objectives can be achieved.

Spatial Objective 1 (delivering net zero carbon) again refers to directing development to sustainable locations, however in this instance proceeds to refer to sustainable locations with services and transport. As mentioned previously, it is suggested that the Council provide clarification as to what they mean by sustainable locations when it is first mentioned within their Vision, Overall Priorities and Objectives, and ensure that all in text citations are the same throughout the Local Plan, to avoid any confusion or doubt. It must clearly be the case that an area can be relatively sustainable without extensive public transport links, given the geographic make-up of Rother District.

Spatial Objective 4 (responding to the housing crisis) again refers to development in sustainable locations. However, in this instance, the spatial objective is seeking to maximise the potential opportunities for residential development in sustainable and deliverable locations. As has already been mentioned, it is vital to ensure that all reference to sustainable locations throughout the Local Plan is the same for the avoidance of doubt.

Whilst our Client recognises that there is a priority in providing residential development in sustainable locations, it is essential to also consider the importance of windfall sites and their role in helping to meeting the districts housing need. There should be particular emphasis on this, given that the latest Authority Monitoring Report (1 April 2023), which has formed the evidence base for the draft Local Plan, identified just 3.09 years of housing supply. Considering this, there is currently an insufficient supply of deliverable housing sites to meet the five-year housing land supply.

It is suggested that the Council incorporate reference to windfall sites as a means to rectify the shortfall in housing supply. In response to question 5, this could be achieved through an additional objective for promoting certain windfall sites, in areas not typically deemed as ‘sustainable’ for delivering housing development.

Policy GTC1: Net Zero Building Standards

This Policy, as currently drafted, requires all new residential development proposals to achieve various energy use and carbon emission standards through design, construction and operation phases.

Our Client is committed to achieving sustainable development, through compliance with evidence based planning policy and other statutory requirements (such as Building Regulations). Our concern here is that this policy does not

appear to have evolved from a robust evidence base that has had particular emphasis on the District of Rother. There is no evidence sustainability requirements need to be any higher than those set out in the Building Regulations, for example. These standards are already very robust and ambitious.

Accordingly, we suggest that this policy should be adjusted to allow for a greater degree of flexibility as to the degree the standards are required to be met.

Policy GTC3: Construction Materials and Waste

The Policy, as currently drafted, requires all schemes over 10 dwellings to implement the Design for Disassembly approach by understanding the lifespan of every building from the design stage and making provision for the re-use of its parts.

Our client seeks to achieve the use of the most sustainable materials viably possible when delivering residential development. It is not clear where this criterion of Policy GTC3 has derived from, as there is no evidence base to demonstrate the need for major developments to be designed for disassembly. For this reason, we query the necessity of this criterion of the policy to be required and suggest that it should be revised or removed.

Policy GTC4: Water Efficiency

Policy GTC4 requires new dwellings to be designed to achieve the Optional Technical Housing Standard of no more than 110 litres per person per day for water efficiency. However, the policy notes that the extent to which a proposal can demonstrate being water efficient will be a factor weighing in favour of a proposed development.

This Policy does not appear to be very clear in identifying the specific standards that a housing scheme should achieve.

Policy GTC8: Biodiversity Net Gain

As currently drafted, the Policy seeks for development proposals to deliver at least a 20% measurable biodiversity net gain, preferably on site, and off-site provision will only be considered where it can be demonstrated that all reasonable opportunities to deliver the gain on site have been exhausted.

Paragraph 3.49 of the draft local plan notes that the evidence base to justify going above the 10% mandatory requirement was still being collated by the district, in collaboration with the Sussex Nature Partnership and neighbouring local planning authorities at the time of drafting the policy.

As it currently stands, considering there is no justification for exceeding the 10% mandatory biodiversity net gain within the Local Authority Area, we have serious concerns with this requirement. Has, for example, the effect of this draft policy on the viability of bringing sites forward been considered?

Once the evidence base to seek to justify exceeding the 10% mandatory requirement is finalised, we will provide further observations.

Policy LWL1: Compact Development

The Policy as currently drafted sets various dwelling per hectare targets for different site contexts. Our client agrees that it is essential to make the most efficient use of land, however in some instances compact development is not the most appropriate use of a site, with there still being a need for more spacious family homes alongside smaller units.

It is essential that development, wherever possible, reflects the existing character of an area, and to ensure that new development proposals are not inappropriate for their context. It is not currently clear how the density targets have been arrived at.

Policy LWL3: Walking, Wheeling, Cycling and Public Transport (Outside the Site)

The draft wording of the Policy sets standards that need to be met by major development. These include being located within 400m walking distance of public transport networks and provide of financially contribute to improved active travel infrastructure.

Whilst we recognise the need to promote sustainable means of transport, there are large areas of Rother that would be impacted by this policy, whilst clearly being capable of accommodating high quality development. Locationally sustainability is relative, and the policy should reflect that, y avoiding imposing restrictive standards.

Policy LWL7: Streets for All

The Policy, as currently drafted, sets a robust set of criteria for the street design of development proposals within Rother. Whilst we recognise the objective to instil good design in new places, we would suggest that not all of the criteria will be applicable or suitable at all sites, and that the policy drafting should reflect that.

Policy LWL8: Multimodal Parking

The current draft wording of the Policy, although providing design guidance for cycle and vehicular parking does not set any levels of parking to be provided.

We suggest that this policy is modified to provide parking standards for both cycle and vehicular parking within new developments to act as guidance during scheme design. This will ensure that there is no doubt during the decision-making stage when development proposals have demonstrated that the levels of on-site parking are policy compliant.

Policy HOU2: Affordable Housing

The Policy, as currently drafted requires housing sites or mixed-use developments delivering a net increase of six or more dwellings within the High Weald National Landscape to provide a minimum of 'X' percent of the gross number of residential units to be provided as affordable housing provision. Outside of the High Weald National Landscape, the requirement to provide affordable housing starts at ten or more dwellings.

Our client supports the need for affordable housing, however there is some concern over the apparent proposal to impose a higher percentage of affordable housing in the AONB. There appears to be no robust evidence base to support this position

Our client supports that where a site-specific viability assessment demonstrates that the minimum requirements cannot be viably met, a development proposal should provide the highest proportion of affordable housing that does not subsequently undermine viability. This is essential in the context of a volatile housing and construction industry.

Policy HOU12: Self-Build and Custom Housebuilding

Policy HOU12 currently requires developments of 20 or more dwellings to provide at least 5% of the total number of dwellings to be made available as serviced plots for self or custom housebuilders.

When considering a site of 20 dwellings, that would result in the requirement to provide just one plot for self or custom housebuilders. Despite there being a list of people on the Rother Self-build and Custom Housebuilding Register who are interested in acquiring a self-build and custom plot, there is no guarantee on a site-by-site basis that there will in fact be interest in acquiring individual plots, particularly when they are delivered in small numbers.

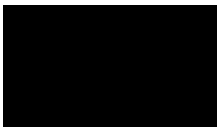
We are concerned by the low threshold for needing to provide self-build and custom plots. We suggest that the wording of this policy is revised, to increase the threshold to a point where there will be no instances of just one or two plots being developed separately to the rest of the site. It might also be appropriate for the Council to consider allocating specific sites for self-build communities, where they have been promoted for that purpose.

Summary

Whilst our client is supportive of the Council's progress in delivering a Local Plan for Rother, they do have comments and, in some cases, concerns in respect of the approach taken to plan making in some areas.

We request also that the site known as Land at Bishop's Lane, Robertsbridge is included as an allocation in the next version of the Plan, because it is suitable, available and deliverable.

Yours faithfully



Alicia Privett
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