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# **Rother Regulation 18 Local Plan Representation**

**On behalf of Rurban Estates Limited**

*In respect of Land at Beechwood, Chowns Hill*

July 2024 - DHA/33942



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1. Site Layout Plan
2. Proposed Street Scenes

# 1 INTRODUCTION

## 1.1 PURPOSE OF THIS REPRESENTATION

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- 1.1.1 This representation has been prepared on behalf of Rurban Estates Limited ('Rurban') in response to the Rother Draft Local Plan (Regulation 18) Consultation, which runs until 23<sup>rd</sup> July 2024.
- 1.1.2 Rother District Council (RDC) is in the process of preparing a new Local Plan to set out a strategy for development across the district for the period to 2040 and is seeking views on the overall spatial strategy, the vision and objectives, its supporting evidence base documents and any of the Plan's draft policies.
- 1.1.3 Rurban control 2.53 hectares of land (within a single ownership) at Beechwood, Chowns Hill, on the Hastings Fringes ('the site'), which has previously been promoted through the RDC Call for Sites and is assessed in the HELAA under reference HAF0017. This report therefore considers the draft policies of the Plan, whilst assessing the planning case for the land as a potential housing allocation.
- 1.1.4 For the avoidance of doubt, this representation document is intended to be read alongside the online form which has been completed separately and refers to this document. Additionally, a Site Layout Plan has been prepared by Studio-on-Sea and is attached to these representations at **Appendix 1**, whilst proposed Street Scenes are attached at **Appendix 2**.

### Plan Context

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- 1.1.5 Whilst this consultation falls under the scope of Regulation 18 and remains 'informal', the next pre-submission (Regulation 19) draft will need to demonstrate that it has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In line with the current requirements of the NPPF, to be sound the final draft plan must be:
- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework.
- 1.1.6 Having considered the content of the consultation documents, and the evidence and assumptions that underpin them, we consider that the draft Local Plan provides an excellent opportunity for RDC to plan for growth over the plan period in a positive and sustainable manner. Early thoughts in respect of potential growth locations are encouraging, however it is also clear that there are several issues that need to be addressed prior to the finalisation of the draft Local Plan if the Council is to ensure that the plan meets the tests of soundness.
- 1.1.7 To provide constructive feedback and assist the process, this submission provides comments on a topic basis, highlighting where we believe any areas of concern lie and where modifications are required.

## 2 RESPONSE TO THE DRAFT LOCAL PLAN

### 2.1 Q2. WHAT ARE YOUR VIEWS ON PROPOSED TWIN OVERALL PRIORITIES TO BE 'GREEN TO THE CORE' AND 'LIVE WELL LOCALLY'?

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- 2.1.1 The consultation document asks respondents to comment on the extent to which they agree with the overall vision and objectives of the Local Plan.
- 2.1.2 According to the Vision, by 2040, "bold solutions will have successfully addressed the climate and biodiversity emergencies and the housing crisis." These are translated into two Overall Priorities: "Green to the Core" which means considering the impact of all planning decisions on the climate emergency, the biodiversity crisis and the High Weald National Landscape, and "Live Well Locally." The latter means considering the goal of creating healthy, sustainable communities, supporting residents in terms of access to jobs, services and facilities, connected and compact neighbourhoods and new places that foster a sense of belonging, identity and shared experience. While we agree with the overall thrust of these priorities, neither adequately go to the heart of the urgent need for housing, including specifically addressing the current housing crisis.
- 2.1.3 The housing crisis is acute in Rother and getting a Local Plan in place is the first step to ensure proper, planned delivery of housing in a consistent and sustainable manner to ensure the Council can realise its two overall priorities. However, the Local Plan needs to honestly address the scale of the housing shortfall and the importance of meeting the local housing need in full. Accordingly, we recommend that "Live Well Locally" is expanded to specifically confirm that it will be the aim of the Council to address the housing crisis, meeting local housing need in full and maximising housing delivery.

### 2.2 Q3: WHAT ARE YOUR VIEWS ON THE KEY ISSUES THAT HAVE BEEN IDENTIFIED AND IS THERE ANYTHING SIGNIFICANT MISSING?

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- 2.2.1 The draft Local Plan seeks to address ten key planning issues, which are stated to stem directly from the Vision for the Plan and link to the Council's two 'Overall Priorities'. In summary these are:
- Delivering carbon reduction, climate change adaptation, and responding to the 'Climate Emergency';
  - Meeting the overall local demand and need for housing (including affordable and specialist need);
  - Securing economic improvement;

- Improving access to jobs, services, and facilities, and supporting sustainable rural economies and communities;
- Conserving and enhancing the landscape and environmental quality, alongside delivering biodiversity gains and improvements to green infrastructure;
- Delivering infrastructure to support growth and strengthen sustainability;
- Promoting physical and mental health and wellbeing, healthier lifestyles, and reducing inequality and deprivation;
- Planning for an ageing population with adaptable homes and a range of accommodation options;
- Providing better sports, leisure, culture, and tourism facilities for residents and visitors; and
- Managing uncertainties and contingency planning for long-term climate resilience.

2.2.2 In response, all ten 'key issues' are important and should be integrated into the overall strategy. As previously mentioned, the need to fully address housing needs should be explicitly identified as an "Overall Priority," as it is not adequately captured by the strategic priorities of "Green to the Core" and "Live Well Locally." We welcome the recognition of the housing need within the 10 key issues.

## **2.3 Q4. WHAT ARE YOUR VIEWS ON THE COUNCIL'S OBJECTIVES FOR THE LOCAL PLAN?**

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- 2.3.1 The draft Local Plan sets out ten strategic spatial objectives, which will be used to support and deliver sustainable development.
- 2.3.2 Spatial Objective 4 recognises the need to respond to the housing crisis and help facilitate the delivery of housing to meet the needs of different groups. This will be achieved by maximising the potential opportunities for residential development in sustainable and deliverable locations. We strongly support this objective and it is encouraging that the Council specifically acknowledge the housing situation as a crisis. We do question the validity of inferring that there is a matter of choice about the delivery of housing and economic needs.
- 2.3.3 As outlined within the consultation document, there is a need to identify enough sites to deliver a minimum of 737 homes per year. This target is not an arbitrary Government top-down target, and instead is based on the Government's standard methodology and directly corresponds to the district's established population, affordability, and future needs. Accordingly, creating a place where the range of housing needs are being met in full, and improved, should be clearly explained to

be a minimum requirement – it is the way it is achieved that should be subject to more open questions to the public.

- 2.3.4 We would suggest some minor modification to clarify that the plan is positively prepared and fully aligned with the provisions of the NPPF to make it clear that the plan as a minimum, seeks to meet the area’s objectively assessed needs:

*"Respond to the housing crisis and help facilitate the delivery of housing to meet the needs of different groups in the community in full [...]"*

- 2.3.5 Spatial Objective 5 states that the Council will deliver sustainable growth and regeneration in Bexhill and its edges along with the Hastings Fringes. The objective seeks to locate development in the most sustainable and least environmentally constrained areas of the district. We strongly support this Spatial Objective, which recognises the strategic role of the Hastings Fringes and the opportunities this presents for sustainable growth.

- 2.3.6 Similarly, we are supportive of Spatial Objective 7 which seeks to focus growth in sustainable locations, or places that can be made sustainable through supporting infrastructure and community facilities.

- 2.3.7 It is vital that these commendable objectives are carried forward into specific policies and site allocations in subsequent versions of this emerging Local Plan, ensuring that the potential of the Hastings Fringes is maximised by using all available and suitable potential housing sites. We would urge the Council to engage with site promoters to ensure that the delivery of development on these sites can be positively planned.

## **2.4 Q6. WHAT ARE YOUR VIEWS ON THE COUNCIL’S PROPOSED POLICY GTC1: NET ZERO BUILDING STANDARDS?**

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- 2.4.1 We support the general principle of ensuring that new development contributes to climate change mitigation by reducing emissions through energy efficiency and the way that fossil fuels are used, as well as addressing the ways in which developments are designed, constructed and operate over their lifetime. However, draft policy GTC1 seeks to set ambitious net-zero carbon standards for new development that go beyond the minimum standards provided by the Building Regulations.

- 2.4.2 On 13 December 2023, a Written Ministerial Statement advised that while some local authorities' plans exceed national efficiency standards, the Government aims to balance improving home efficiency with ensuring sufficient housing is built. The Statement also notes that multiple local standards can increase costs and complexity, undermining economies of scale. Thus, the Government does not expect plan-makers to set local energy efficiency standards beyond current or planned building regulations. It advises that:



*"any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:*

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP)."*

2.4.3 The Draft Plan recognises that this policy does not currently meet these criteria. Moreover, the detailed requirements do not reflect the evolving nature of zero carbon building policy, where standards inevitably will change in response to technological and market advancement and more stringent nationally set standards. Policy GTC1 contains little flexibility to allow for such changes and provides a high degree of certainty about the standards that will be applied over the lifetime of the Plan. This brings into question whether the evidence that supports the standards justifies the approach as a sound one.

2.4.4 Moreover, this needs to be justified by viability testing at the plan making stage and sufficiently flexible to ensure that it does not threaten the ability of individual sites to be developed viably, nor the Council's ability to achieve its other identified Main Priorities. Demonstrably failing to consider this issue will place the Local Plan at risk of not being found sound. Alternatively, we recommend that the Local Plan supports low-carbon and gas-free development more generally, rather than necessitating explicit net-zero compliance.

## **2.5 Q20. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY FOR LOCAL NATURE RECOVERY AREAS?**

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2.5.1 The draft Local Plan requires all development to meet the objectives of the East Sussex (including Brighton & Hove) Local Nature Recovery Strategy (LRNS), taking opportunities to deliver ecological networks and green infrastructure.

2.5.2 The Responsible Authorities were appointed in the 2023 when they began setting up the process and building the baseline evidence that supports the LRNS strategies. At the time of writing, it is anticipated that the draft strategies will be shared for public consultation in early 2025, before being published later in the year. It is therefore critical that the Draft Local Plan provides enough flexibility to respond to an evolving strategic context to satisfy the test of soundness required for Local Plans to be made.

## **2.6 Q22. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY FOR BIODIVERSITY NET GAIN?**

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- 2.6.1 We note that under policy GTC8, all qualifying development proposals must deliver at least a 20% measurable biodiversity net gain. Whilst we support the principle of achieving net gain, there is no apparent evidence of the Council understanding the implications of what a 20% uplift would require, nor any justification as to why provision above the mandatory 10% requirement is sought.
- 2.6.2 In February 2024, Planning Practice Guidance (PPG) was updated to advise plan-makers that they should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration is also needed to be given as to how the policy will be implemented (Paragraph: 006 Reference ID: 74-006-20240214).
- 2.6.3 Comparatively, the Draft Plan states that a higher level is justified because "opportunities to deliver this off-site, if necessary, are available locally" and because "the viability of development is unlikely to be unduly impacted in most cases". The Plan is accompanied by an Environmental Management Background Paper (2024), which refers to a justification for a 20% net gain (dated September 2020) and a viability assessment (dated June 2022) prepared by the Kent Nature Partnership. Neither of these documents relate to Rother District, nor meet the requirements of the PPG.
- 2.6.4 If this policy is implemented, development assumptions must factor this in, and ultimately, more sites will be needed to deliver the Local Plan housing requirement as 20% Biodiversity Net Gain will inevitably reduce developable areas resulting in lower yield of dwellings from allocated sites.
- 2.6.5 Consequently, at this stage we are concerned that policy GTC8 is not underpinned by appropriate evidence, including that the approach taken will be viable, and is therefore not "justified" (NPPF, paragraph 35). Alternatively, the Draft Plan can complement the statutory framework for biodiversity net gain by, for instance, including policies which support appropriate local offsite biodiversity sites, including whether specific allocated sites for development should include biodiversity enhancements to support other developments meet their net gain objectives in line with Local Nature Recovery Strategies.

## **2.7 Q28. WHAT ARE YOUR VIEWS ON THE AREA TYPES AND DENSITIES PROPOSED AS A KEY DRIVER TO LIVE WELL LOCALLY?**

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- 2.7.1 Proposed Policy LWL1 sets out minimum densities for different areas, as defined by Rother's Density Study:

- Urban areas in Bexhill, Battle and Rye: 60-90+ dph;
- Suburban areas in Bexhill, Battle, Hasting Fringes and Rye: 45-75 dph;
- Live well locally areas: 45-60 dph;
- Village areas (with development boundaries): 25-45 dph.

2.7.2 It is not clear from the Density Study (April 2024) whether these figures are measured in terms of gross or net density. Moreover, these area types have not yet been confirmed, so it is difficult to comment on the proposed density ranges.

2.7.3 Whilst we support the efficient use of land and, where appropriate, higher densities, the policy should not be overly prescriptive to ensure that individual site characteristics are appropriately considered.

## **2.8 Q30. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY ON FACILITIES AND SERVICES?**

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2.8.1 According to proposed policy LWL2 (Facilities & Services) all development proposals for one or more new dwellings in Urban, Suburban and 'Live Well Locally' Area types, must be located within "an 800m safe, usable walking distance of a mix of local amenities". In Village and Countryside Area Types, dwellings must be located within "an acceptable safe, useable walking or cycling distance of a mix of local amenities". Cited examples include a food shop, park, primary school, post office and a GP surgery.

2.8.2 The National Planning Policy Framework (NPPF) recognises that opportunities for sustainable travel will differ for sites in urban and rural locations; therefore, the site accessibility should be assessed reasonably in this context. Moreover, the policy does not take into account access to public transport and the role this plays in providing access to services.

2.8.3 Flexibility must be provided so as not to preclude sustainable developments which do not meet the stringent test set out at policy LWL2. This is particularly important in the context of the current acute housing need in Rother.

2.8.4 We consider that the principles of local living should be embedded more broadly in the Local Plan, to reflect a longer-term aspiration and healthy and sustainable living, rather than being imposed as a restrictive policy requirement.

## **2.9 Q51. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PREFERRED SPATIAL DEVELOPMENT OPTIONS?**

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2.9.1 The Council has considered a series of potential spatial development options (SDOs), and these have been individually assessed through the Sustainability

Appraisal process. Rother's proposed development strategy is a combination of the following options:

- Bexhill Greenfield Growth (without new multi-modal transport corridor); (SDO3A)
- Radial settlement network connected to Bexhill and Hastings (SDO2)
- Village Clusters centred around Rye and Battle; (SDO1)
- Sustainable settlement growth, with focus along the A21 Corridor; (SDO4, SDO10)
- Hastings fringes urban growth (SDO5)
- Brownfield Intensification and Redevelopment. (SDO6)

2.9.2 For the avoidance of doubt, we are supportive of the proposed strategy which recognises that there are opportunities for sensitive amounts of development in settlements that are well connected to the existing larger urban areas (SDO2) and on the edge of Hastings (SDO5).

2.9.3 The Council considers that Hastings, outside the District's boundary is of key importance as settlements that surround its urban edge will travel radially for its services and facilities. The principle of this option is that there are opportunities to focus growth in areas that are served radially by these larger towns, and that improvements can be made to ensure better sustainable modes of transport.

## **2.10 Q54. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED SPATIAL DEVELOPMENT STRATEGY AND PROPOSED MINIMUM TARGETS FOR HOUSING AND EMPLOYMENT GROWTH?**

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2.10.1 According to the Overall Spatial Development Strategy, the Council will meet the local need for all forms of housing. To achieve this, a minimum of 5,158–7,287 dwellings at an average rate of 258–364 dwellings per annum (dpa) are proposed to be constructed by the end of the Plan period in 2040.

2.10.2 The draft Local Plan is evidenced by a Housing and Economic Development Needs Assessment Update (HEDNA) (February 2024) jointly prepared with Hastings Borough Council to assess future development needs up to 2040. This states that the Standard Method calculation results in a minimum Local Housing Need (LHN) figure of 737 dpa for Rother, which is in sharp contrast to the proposed target of 258–364 dpa and the statement within the Overall Spatial Development Strategy is disingenuous.

2.10.3 As evidenced in Table 2.1, the Council has consistently failed to deliver against its housing requirement. This has no doubt led to the current acute shortage of

housing in Rother and its current identified need. During this time, the need for affordable housing has also become even more acute, with 238 dpa required for affordable rented housing tenure and 87 dpa required to be affordable home ownership tenure. Therefore, the total net annual affordable housing need for the period 2021 to 2044 is 325 dpa (equivalent to 44% of the local housing need figure based on 737 dpa, which is high).

- 2.10.4 It is clear therefore, that the proposed minimum targets for housing growth do not meet the local need for all forms of housing.

<b>Historic Housing Delivery in Rother</b>			
<b>Year</b>	<b>Completions</b>	<b>Requirement (at that time)</b>	<b>Difference</b>
<b>2015/16</b>	246	336	-90
<b>2016/17</b>	283	335	-52
<b>2017/18</b>	186	336	-150
<b>2018/19</b>	255	336	-81
<b>2019/20</b>	247	363	-116
<b>2020/21</b>	175	490	-315
<b>2021/22</b>	239	740	-501

TABLE 2.1: SUMMARY OF HISTORIC HOUSING DELIVERY IN WEALDEN

- 2.10.5 The growing need for both market and affordable housing lends emphasis to the requirement for the Council to plan to meet its full assessed need, as required by the NPPF (paragraph 11b and paragraph 23), supporting the Government's objectives to significantly boost the supply of homes (NPPF, paragraph 60). The new Labour Government's recent announcements about the restoration of mandatory housing targets only go to emphasise the importance of RDC planning to meet the need in full through the plan making process.

### ***Duty to Co-operate***

- 2.10.6 It is also important that the Council has regard to any needs that cannot be met within neighbouring areas when establishing the amount of housing to be planned for, to ensure the Plan is "positively prepared" (NPPF, paragraph 35).
- 2.10.7 According to the Engagement and Duty to Cooperate Statement, Rother has prepared a Joint Statement with Hastings Borough Council in order to develop and action matters of cross-boundary importance and most importantly, explore joint opportunities to maximise housing delivery. However, other LPAs that neighbour Rother District who may not be able to meet their local housing need include Wealden, Tunbridge Wells, and Ashford, whilst Eastbourne Borough Council has recently declared a Housing Emergency, following a similar declaration by Crawley Borough Council.

- 2.10.8 RDC will be required to demonstrate how they have sought to engage with these authorities to establish whether they should be accommodating any unmet need. Demonstrably failing to consider this issue will place the Local Plan at risk of not being found sound. It is therefore even more pressing that the Council plans to meet its housing objective in full, since this could contribute to a worsening housing supply and affordability if there is consistent under delivery of housing in this part of East Sussex and Kent.

## **2.11 Q59. WHAT ARE YOUR VIEWS ON THE VISION FOR HASTINGS FRINGES AND SURROUNDING SETTLEMENTS?**

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- 2.11.1 According to the Draft Plan, a small level of sensitive development will be delivered in the Hastings Fringes where it is well connected to the urban fabric of Hastings, to public and active transport routes, and to key services and facilities. Connections and accessibility to settlements that are linked radially to Hastings will be enhanced through improved public transport, active travel, and highway improvements.
- 2.11.2 According to the Development Strategy Background Paper (April 2024), focus areas for growth are as follows:
- Bexhill network: Crowhurst, Catsfield, Lunsford Cross, Normans Bay
  - Hastings network: Hastings fringes (Rock Lane and Austen Way, Chowns Hill and Ivyhouse Lane, Westfield Lane, Bachelors Bump, Friars Hill, Woodlands Way and Parkwood Road), Sedlescombe, Westfield, Guestling Green, Icklesham, Three Oaks, Pett and Fairlight
- 2.11.3 As aforementioned, we are strongly supportive of this vision which recognises that Hastings, outside the District's boundary, is of key importance as settlements that surround its urban edge will travel radially into Hastings for its services and facilities. It is encouraging that the draft Local Plan recognises the inherent sustainability of this location and its suitability for housing growth.

## **2.12 Q60. WHAT ARE YOUR VIEWS ON THE DISTRIBUTION AND OPPORTUNITIES FOR GROWTH IN SETTLEMENTS WITHIN THE SUB-AREA IN FIGURES 17, 18 & 19?**

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- 2.12.1 The Draft Plan illustrates the potential development strategy for Hastings Fringes and Surrounding Settlements, in terms of the numbers of dwellings that could be delivered over the Plan period (Table 2.2). This includes potential sites which may be suitable, available and achievable for development (as listed in the draft HELAA), subject to further assessment work and the result of the Regulation 18 consultation.

Settlement Areas	Identified Level of Housing Growth	Potential Additional Level of Housing Growth	Total Potential Housing Growth (Identified + Additional)
Rock Lane and Austen Way (Guestling parish)	0	20	20
Westfield	50	50	100
Woodlands Way and Parkwood Road (Westfield parish)	40	0	40
Crowhurst	30	12	42
Icklesham	0	15	15
Fairlight Cove	0	35	35
Guestling Green	0	14	14
Total Growth	120	146	266

TABLE 2.2: HASTINGS FRINGES AND SURROUNDING SETTLEMENTS HOUSING SUMMARY

- 2.12.2 In the context of the current housing crisis, the requirement must be met by utilising each and every suitable site for housing. Further assessment of sites, including our client’s land at Beechwood, Chowns Hill, is necessary in order to provide opportunities for growth beyond the level proposed in Table 2.2. This is particularly important considering that these spatial development options (SDO2 and SDO5) form a key part of Rother’s proposed development strategy.
- 2.12.3 For the purposes of the Local Plan ‘Hastings Fringes’ are defined as areas that are ‘contiguous with the built-up area boundary of Hastings’ which encompasses areas along Westfield Lane, Beany’s Lane, Woodlands Way, Parkwood Road, Sandhurst Gardens, Stonestile Lane, Chowns Hill, Ivyhouse Lane, Rock Lane and Batchelor’s Bump. Figure 19 below identifies the Hastings Fringes and the radially connected settlements; however it is difficult to interpret the extent of these sub-areas and there is no explanatory text.

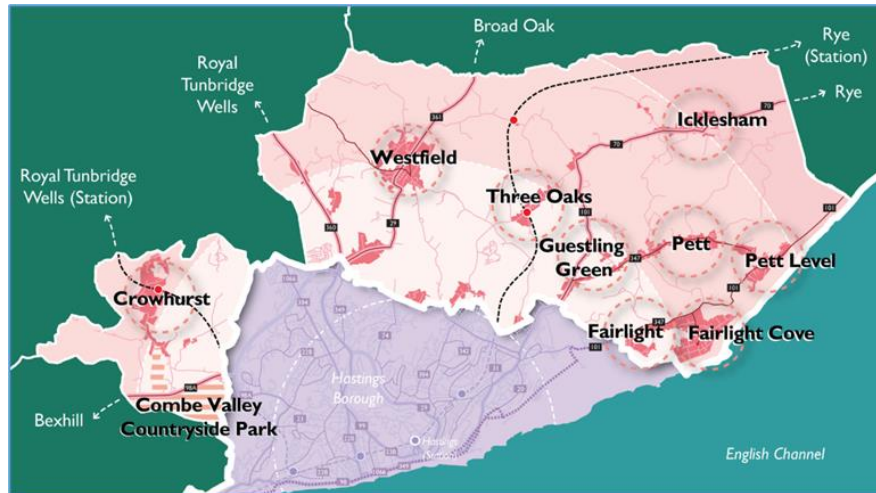


FIGURE 2.3: HASTINGS FRINGES AND RADIALLY CONNECTED SETTLEMENTS

## 2.13 Q61. WHAT ARE YOUR VIEWS ON THE POTENTIAL SITES IDENTIFIED IN THE DRAFT HELAA THAT COULD ACCOMMODATE MORE GROWTH IN HASTINGS FRINGES AND SURROUNDING SETTLEMENTS?

- 2.13.1 Our clients site at Beechwood, Chowns Hill, is assessed in the Housing and Economic Land Availability Assessment (HELAA) (April 2024) under reference HAFO017. The Council therefore already holds information on the site, but for convenience, we repeat the main points below.
- 2.13.2 Furthermore, these representations are supported by a proposed Site Layout which indicates how a development of 8 dwellings can be accommodated on the site plus potential for biodiversity land and potential access to and expansion of the neighbouring Hastings cemetery. This representation addresses the comments in the HELAA and advocate for allocating land at Land at Beechwood, Chowns Hill to accommodate additional growth in the Hastings Fringes and surrounding settlements.

### Location and Surroundings

- 2.13.3 The application site comprises an area of previously developed land and residential garden area, situated to the south of Chowns Hill, approximately 0.3km from the settlement boundary for Hastings and within the High Weald National Landscape.
- 2.13.4 The site contains a 4-bay garage/outbuilding which is well screened from the street scene and set back from the road. Surrounding the property is an extensive area of hardstanding, including parking area, access track and disused tennis court, with front and rear gardens laid to lawn.



- 2.13.5 Directly to the west is an existing dwelling, which is also within Rurban's landownership. The wider site is bound by mature hedging to the north and an area of woodland to the south and east. The surrounding site context is characterised by detached development along the roadside, with some instances of private tracks extending beyond the frontage development to ancillary structures behind.
- 2.13.6 The site is located entirely within Flood Zone 1, which has the lowest probability of flooding. An area of Ancient Woodland, Rock Wood, sits approximately 30m to the east. There appear to be no other environmental designations on or near the site, nor are there any heritage assets in close proximity.

### Proposed Development

- 2.13.7 At this stage a draft proposed site layout has been prepared in order to demonstrate the type and scale of development envisaged on site, as shown below.



FIGURE 2.4: PROPOSED SITE LAYOUT

- 2.13.8 In terms of layout, the building line will be set back from the road in order to be sensitive to the existing linear form of residential development along Chowns Hill. Access will be provided at the east of the site, utilising the existing site entrance, and in accordance with pre-application discussions held with ESCC Highways.

- 2.13.9 An application for the demolition of the existing outbuilding and tennis court hardstanding, and the erection of 3 dwellings is to be submitted imminently following positive pre-application discussions with RDC.
- 2.13.10 The proposed development has been designed to respect the character and appearance of the National Landscape, by appropriate siting of buildings and low ridge heights, and by utilising high-quality vernacular materials and detailed matters such as glazing carefully considered to reduce light pollution. Figure 2.5 below is an extract of the proposed streetscene which shows the sensitive nature of the design and how the proposed development can integrate well into the existing streetscene.



FIGURE 2.5: PROPOSED STREETSCENE

### Wider Strategic Justification

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- 2.13.11 The site is assessed as 'potentially available' in the HELAA; however, it has been rejected from the assessment because it would be 'contrary to the scattered settlement pattern and would impact the rural character of the local area'. There are also concerns with regard to the sustainability of the site, including pedestrian access.
- 2.13.12 Notwithstanding this, the Hastings Fringes and Surrounding Settlements are identified as a key focus for sustainable growth. Hastings Fringes' are defined as areas that are 'contiguous with the built-up area boundary of Hastings' and as demonstrated by the Development Strategy Background Paper (April 2024) and Figure 2.3 below, this encroaches along Chowns Hill.
- 2.13.13 Rother is a highly constrained district and as a result, opportunities must be taken to utilise every suitable site for housing and inevitably this will require the release of some less sensitive sites for development which in most cases, are likely to be situated at the edge of the settlement. This is reflected in paragraph 5.40 of the

Draft Plan, which states that development on greenfield land will be necessary to meet local needs.

- 2.13.14 In light of the significant local need for housing (including affordable), as well as the evidence of significant unmet housing needs in nearby and neighbouring authorities, it is necessary for the Draft Plan to meet its housing objective in full, as consistent under delivery could exacerbate the current housing and affordability crisis. Therefore, given the current planned shortfall and the uncertainty surrounding the robustness of the Council's sources of supply, it is essential that opportunities on appropriately located sites, such as the Land at Beechwood, Chowns Hill, are brought forward. The proposal would result in a meaningful addition to the supply of housing within the district through the provision of much needed dwellings. Further justification is detailed below:

### *Highways and Access*

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- 2.13.15 The HELAA states there are concerns with regard to the sustainability of the site and achieving safe access, it being over 500 metres walking distance from The Ridge in Hastings and located on a narrow, winding section of Chowns Hill with no footway.
- 2.13.16 Whilst there is no formal footway infrastructure on Chowns Hill in the vicinity of the site access, there are existing residential properties, and the Personal Injury Collision (PIC) record indicates that the lack of footways has not given rise to any incidents between pedestrians and vehicles within the latest five-year period. A footway does commence on the northern side of Chowns Hill approximately 260m (or a three-minute walk) to the south-west of the site. This footway continues to The Ridge, from where there is continuous pedestrian infrastructure to local services, facilities and bus stops. Table 2.3 below lists a selection of these services and facilities, along with their approximate distances and cycle and walking times from the proposed site access.

SERVICE / FACILITY	DISTANCE	WALK TIME	CYCLE TIME
Chowns Hill Bus Stop	650m	8 minutes	4 minutes
Place of Worship – St Helens Church	700m	9 minutes	4 minutes
Convenience Store - SPAR	1,000m	13 minutes	5 minutes
Nursery – Rotherview Nursery	1,100m	14 minutes	3 minutes
Post Office – Malvern Way Post Office	1,900m	24 minutes	9 minutes
Primary School – Sandown Primary School	2,000m	25 minutes	8 minutes
Hospital – Conquest Hospital	2,100m	26 minutes	8 minutes
Supermarket – Tesco Express	2,700m	34 minutes	10 minutes
GP – Beaconsfield Road Surgery	2,700m	34 minutes	11 minutes
Dentist – Harrow Lane Dental Practice	3,200m	40 minutes	13 minutes

TABLE 2.3: FACILITIES AND SERVICES LOCAL TO PROPOSAL SITE

- 2.13.17 As aforementioned, the NPPF recognises that opportunities for sustainable travel will differ for sites in urban and rural locations; therefore, the site accessibility should be assessed reasonably in this context. Although some journeys would realistically be made by car, given the proximity to Hastings the length of trips for employment, shopping, leisure, education and other day-to-day activities would be short.
- 2.13.18 Pre-application discussions were held with ESCC in in early 2024, informed by a Technical Note and ATC speed surveys, in order to confirm that the existing access can accommodate additional dwellings subject to minor improvements. Further technical work by DHA Transport confirms that there should be no sound transport-based objections to the proposed development.
- 2.13.19 We therefore disagree with the results of the HELAA and the supporting Settlement Study (2024), which find that the settlement area of Chowns Hill and Ivyhouse Lane is not considered to have any reasonable potential for sustainability due to their having no footways.

## Landscape

- 2.13.20 According to the HELAA, development here “would be contrary to the scattered settlement pattern and would impact the rural character of the local area, including the buffer provided by the cemetery and adjoining open land between the urban edge of Hastings and the wider countryside”. Moreover, “due to the prominence of the site there would also be an impact on the landscape and character of the High Weald National Landscape”.
- 2.13.21 The site is semi-rural in nature and surrounded by existing ribbon development along the road. As demonstrated by the extract from Figure 2.3 below, areas of built form (denoted in dark pink) wrap around the site and continue along Chowns Hill and Ivyhouse Lane. This ensures that development would not encroach land between the urban edge of Hastings and the wider countryside.

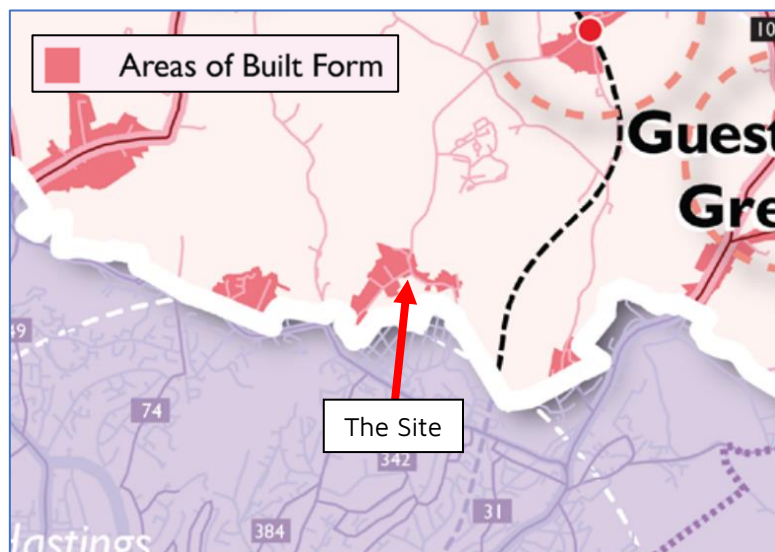


FIGURE 2.3: HASTINGS FRINGES AND RADIALLY CONNECTED SETTLEMENTS

- 2.13.22 The HELAA highlights that whilst the site is screened by vegetation in immediate views, due to its topography, the southern section in particular is exposed to far-reaching views to the north-east. Accordingly, the southern most field is not being proposed for development, and instead offers opportunities for biodiversity net gain and for providing access to the neighbouring Hastings Cemetery if desired. Alternatively, the land could be made available for an expansion of the cemetery if this is an aspiration of the owners Hastings Borough Council, for burial ground usage, for nature recovery purposes, or the recreational use of the wider community

2.13.23 Additionally, the intention is for the proposed dwellings to the rear of the site to comprise chalet style properties with limited ridge heights to address concerns about impacts on far reaching views. These low-scale dwellings would be screened from view by a combination of existing built-form and mature vegetation.

### *Deliverability*

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2.13.24 For the reasons set out within this representation, the site is considered to comprise a logical allocation within the proposed Hastings Fringes and Surrounding Settlements growth area. The site is in a single landownership and already owned by local family housebuilders who have been building quality homes throughout Rother for over 50 years. There are no known viability issues, legal or third-party constraints present and there are no impediments to the site being allocated for development commencing early within the Plan period. Paragraph 70 of the NPPF is clear that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

### *Summary*

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- 2.13.25 We submit that the Land at Beechwood, Chowns Hill is suitable to accommodate a proportionate level of growth to assist in meeting the housing need within the emerging Plan period. Moreover, it is clear the proposal would not form an isolated standalone development, and that it is well connected to the urban fabric of Hastings, and to key services and facilities
- 2.13.26 In light of the above, it is clear that rejected site HAF0017 should be included as a potential allocation and can accommodate more growth in the Hastings Fringes and surrounding settlements.

## **2.14 Q76. WHAT ARE YOUR VIEWS ON THE DISTRICT-WIDE DEVELOPMENT POTENTIAL FOR THE LOCAL PLAN UP TO 2040 WHICH IS PRESENTED IN 4, 35 AND 36?**

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2.14.1 The Councils' housing supply components are consolidated in Table 2.2 and set a housing target of between 5,158 and 7,287, representing a shortfall of up to 9,582 dwellings.

Source of Housing Supply	Total Dwellings
Constructed 1 April 2020 – 31 March 2023	802
Known completions and commencements on large sites since 1 April 2023	340
With Planning Permission	1,693



DaSA and Neighbourhood Plan allocations without permission brought forward	1,660
Additional HELAA potential sites	2,129
Windfall projection (across the district)	663
<b>Total Range</b>	<b>5,158 - 7,287</b>

TABLE 2.2: PROPOSED SOURCES OF HOUSING SUPPLY

- 2.14.2 Neither the Housing Background Paper (April 2024) nor the Development Strategy Background Paper (April 2024) contain any evidence to support these figures, particularly in relation to known completions and sites with Planning Permission. Based on the level of information available, it is therefore difficult to determine with any level of certainty whether the purported supply is reliable and how this relates to the NPPF definition of being deliverable. The Council should make it clear through its evidence base how these units have been counted towards the overall supply in order to ensure the Plan is “justified” (NPPF, paragraph 35).
- 2.14.3 Furthermore, it cannot be assumed that each one of these sites with Planning Permission will come forward either in part or in full. For instance, consents can lapse or the full development potential of a site may not be achieved, for example, Reserved Matters consent is granted for fewer homes than consented under an Outline permission. Based on previous delivery rates, a non-implementation rate must therefore be applied, allowing for an element of under-implementation.
- 2.14.4 We note that the list of sites relied upon include a number of long-standing allocations from the DaSA (2019) which have not yet delivered. Many of these in multiple ownerships and that have since stumbled in terms of ‘availability’. The legacy of these sites not being brought forward requires a caution approach to be adopted.
- 2.14.5 The suitability of relying on vague developer statements was recently addressed during consideration of appeal Ref: APP/Q3115/W/20/3265861 for Little Sparrows, Sonning Common, Oxfordshire where the Inspector offered clear findings on the benchmark level of evidence required to meet the deliverability tests of the PPG. The Inspector concludes evidence of deliverability requires more than just being informed by landowners, agents or developers that sites will come forward.
- 2.14.6 Accordingly, if the identified sites are to be relied upon in the final plan it will require a substantial and robust extent of evidence in order to ensure the Plan is “justified” (NPPF, paragraph 35).

## **2.15 Q77. DO YOU AGREE WITH THE PRINCIPAL IDENTIFIED BY THE COUNCIL OF ACHIEVING A STEPPED HOUSING DELIVERY WITH GREATER LEVELS OF DELIVERY PLANNED FOR LATER IN THE PLAN PERIOD?**

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- 2.15.1 The Council acknowledges that a significant step change in housing delivery is required in order to deliver a significant uplift compared to current and historic delivery rates. As a result, it proposes to deliver a stepped increase in housing delivery with a greater amount of development coming forward towards the end of the planning period.
- 2.15.2 Notwithstanding this, the proposed number of dwellings to 2040 is only just sufficient to cover Rother's current five-year housing land supply (as at 1 April 2023). Therefore, we are concerned that a stepped approach will result in an even greater undersupply of homes in the short to medium term, leaving an overall gap in provision against assessed needs within the district across the entire Plan period.
- 2.15.3 In accordance with paragraph 69(a) of the NPPF, planning policies should identify a supply of specific, deliverable sites for years 1 to 5 of the plan period following the intended date of adoption. In plan-making, the Inspector examining the plan will test the evidence to ensure that the 5 year housing land supply identified in strategic policies is sound. The housing crisis means that additional housing is required now, and if RDC do want to plan for a stepped trajectory, they will need to be able to present strong evidence to justify why this is necessary.
- 2.15.4 As aforementioned, the site is deliverable in a single land ownership with no known viability issues, legal or third-party constraints present and there are no impediments to the site being allocated for development commencing within years 1-5 of the plan. The site does not need to change hands in order to be delivered further emphasising deliverability within the earlier years of the plan period.

## **2.16 Q114. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY ON MIXED AND BALANCED COMMUNITIES?**

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- 2.16.1 Policy HOU1 sets out the Council's preferred housing type and mix for both market and affordable homes. According to this policy, in all housing developments that include market housing, at least 30% of the market housing shall comprise one- and two-bedroom dwellings.
- 2.16.2 Housing typologies on small developments are often dictated by site specific circumstances including consideration of surrounding character. For instance, the site at Beechwood, Chowns Hill, will comprise medium sized 3- and 4-bedroom homes to respect the immediate context of this rural fringe location, whilst also providing much-needed family housing.
- 2.16.3 It is important that this policy recognises that housing needs change over time and a desired mix in 2024 will very unlikely reflect the needs in subsequent years.



Whilst it is considered that this policy reflects this, the policy should make it absolutely clear that private mix should be dictated by the market.

## **2.17 Q116. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY ON AFFORDABLE HOUSING?**

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- 2.17.1 To meet the district's need for affordable housing, all qualifying housing developments delivering 10 or more units, or proposals for 6 or more units within the High Weald National Landscape, or sites of 0.5 hectares or more, will be required to provide on-site affordable housing. At this stage, the minimum percentage has not been set out and will be informed by viability analysis, to be completed following the Regulation 18 Consultation on the Local Plan.
- 2.17.2 The policy sets out the indicative tenure mix for affordable housing as follows:
- 25% First Homes (where required in accordance with national policy);
  - 58% Social/ Affordable Rented;
  - 17% Other Affordable Home Ownership.
- 2.17.3 As stated in response to question 114, it is important that this policy recognises that housing needs change over time and a tenure mix in 2024 will very unlikely reflect the needs in subsequent years. Therefore, the policy must allow flexibility to account for market conditions. Onerous or inflexible affordable requirements can prejudice a site's viability and accordingly it is essential that the viability of the proposed policy is carefully assessed.
- 2.17.4 Additionally, although initially introduced by a WMS in May 2021 and briefly referenced in paragraph 6 and footnote 36 of the NPPF, the requirement for First Homes is not mandatory. The policy should recognise that it is not to be applied in a blanket fashion, and that its place in the statutory scheme of things is as a material consideration and no more.

## 3 CONCLUSION

### 3.1 REPRESENTATION SUMMARY

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- 3.1.1 This representation has been prepared on behalf of Rurban Estates Limited in response to the Rother Draft Local Plan (Regulation 18) Consultation, which runs until 23<sup>rd</sup> July 2024.
- 3.1.2 Rurban are supportive of the encouraging aims and aspirations with regard to growth around the Hastings Fringes and surrounding settlements, which reflects that there are opportunities to focus growth in areas that are served radially by larger towns. However, for the reasons set out in this Statement, we do have concerns that the overall strategy proposed would not evolve to a sound plan.
- 3.1.3 Given the increasing need for additional housing over the Plan period, it is imperative that the next draft Local Plan properly plans to meet the Local Housing Need requirement as a minimum. This will require the allocation of a substantial number of potential housing sites. We therefore consider that the Land at Beechwood, Chowns Hill (HAF0017) should be included as a future housing allocation and continue to form part of the Council's housing evidence base used to inform the emerging Local Plan. Indeed, the indicative Site Layout Plan demonstrates how a sensitively designed residential development of 8 dwellings can be comfortably accommodated on the site, whilst the site also presents opportunities for further benefits on the southern field including potential biodiversity net gain land, access to the neighbouring Hastings Cemetery and/ or opportunity for expansion of the cemetery depending on the aspirations of the owners Hastings Borough Council.
- 3.1.4 I trust the contents of this representation are clear and I hope the comments are useful in guiding the forthcoming stage of the plan making process.

# APPENDIX

1





# APPENDIX

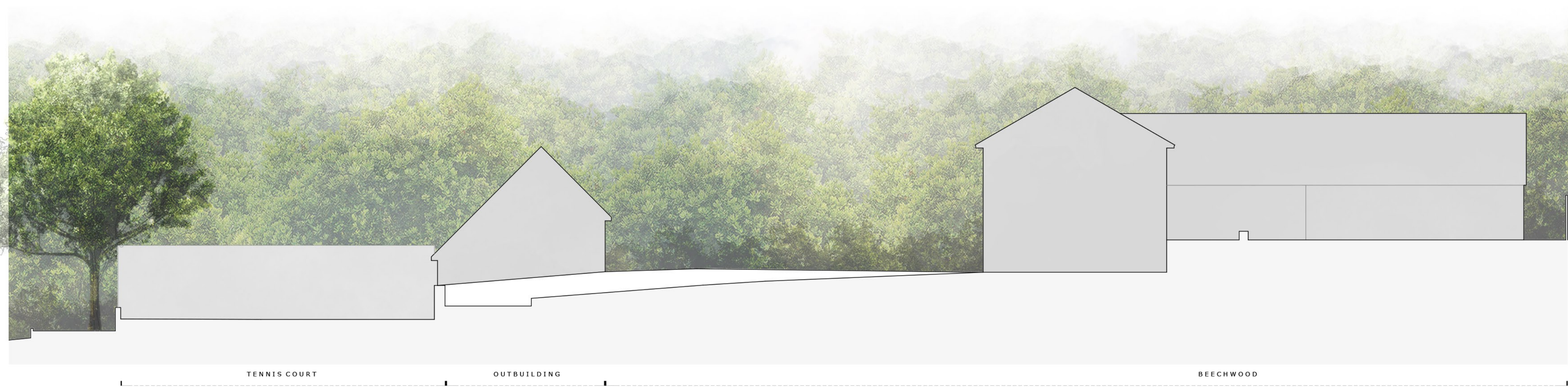
2







Proposed Street Scene Elevation  
Scale 1:100

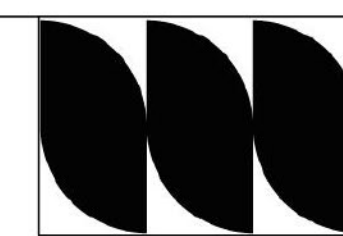


Existing Street Scene Elevation  
Scale 1:100



**NOTES;**  
Do Not Scale (unless for the purposes of planning).  
Report all discrepancies, errors and omissions.  
Verify all dimensions on site before commencing any work on site or preparing shop drawings.  
All materials, components and workmanship are to comply with the relevant British Standards, Codes of Practice, and appropriate manufacturers recommendations that from time to time shall apply.  
For all specialist work, see relevant drawings.  
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CDM 2015;  
Under the CDM regulations 2015, the client will need to employ a principal designer and principal contractor to assist in the health and safety process and co-ordinate health and safety matters. Further advice with regards to the clients duties and the duties of the principal designer & principal contractor can be found on the Internet (such as CONIAC Industry Guidance & HSE website), or alternatively you should take advice from a suitably qualified company. This drawing, together with an asbestos survey or any other surveys and record drawings / information that the client has on the building or site such as service locations should be passed on to the contractor. Our brief does not extend to principal designer role, so the principal contractor will be responsible for developing health and safety file during construction and handing it over to the client as an as built health and safety file.



SCALE  
1:100 AT A1

DATE  
MAY 2024

**PLANNING**

PROJECT TITLE  
PROPOSED DEMOLITION OF  
EXISTING BUILDINGS & HARD  
STANDING FOR 3 NO.,  
REPLACEMENT DWELLINGS  
WITH ASSOCIATED ACCESS,  
PARKING & LANDSCAPING

AT  
BEECHWOOD - LAND ADJ.  
CHOWNS HILL,  
GUESTING.  
TN35 4PA.

DESCRIPTION  
EXISTING & PROPOSED  
STREET SCENE  
ELEVATIONS

DRAWING NUMBER  
1028 125

DRAWN BY: JCOLE