

23 July 2024

*The Planning Policy Team
Rother District Council
Town Hall
Bexhill-on-Sea
TN39 3JX*

*--- sent by email to
draftlocalplan@rother.gov.uk ---*

Our Ref: CBL-0324399-LPR

Dear Sir/Madam,

Land Adj. to Little Sherwood Industry Park, Main Road, Icklesham, East Sussex

We write on behalf of Mr Raphael Brandon who is the representative of the landowners of a site in Icklesham known as Land Adj. to Sherwood Industry Park, Main Road, Icklesham, East Sussex.

The Council will already be aware of this site as it is included in your draft HELAA (2024) under site ID: ICK0017. This is also the subject of a Call for Sites submission dated 23 July 24.

We have completed the Council's consultation form with the details of the applicant and agent. This letter is enclosed with the completed consultation form, and it contains our comments on the policies set out within the Regulation 18 Plan (i.e. our Part B to the consultation form).

Our comments are made under the relevant policies referenced in our sub-headings.

PART B: COMMENTS

Q.25 What are your views on the Council's proposed policy for the High Weald National Landscape?

We note the reference in paragraph 3.64 as follows:

*The Council's proposed development strategy will identify in principle the types of development and locations that will be prioritised for growth, with the **conclusion of the HELAA and further landscape assessment work** helping to determine the amount of development that is capable of being accommodated satisfactorily and sustainably in and around the towns and villages within the High Weald NL*

We would endorse the findings of the HELAA (April 2024) in respect of existing site ref: ICK0017. In our view, ICK0017 is an appropriate site allocation for a small residential development of 15 dwellings. These comments have been submitted to the LPA in conjunction with a 'Call for Sites' submission

which includes a landscape study by Huskisson Brown and an indicative Proposed Site Plan which shows ICK0017 as having sufficient landscape capacity and scope for 15 dwellings.

Q.28 What are your views on the area types and densities proposed as a key driver to Live Well Locally?

Our client endorses the proposed density range of 25-45dph for defined Village areas (within the development boundaries) in accordance with draft policy LWL1.

We would expect that the development boundary for Icklesham (shown in figure 8) will be expanded to include ICK0017 upon its allocation within the forthcoming Local Plan.

Q30. What are your views on the Council's proposed policy on facilities and services?

Under A(i) of draft policy LWL2, we support the differentiation of 'Village and Countryside Area Types' which maybe located more than 800m from a mix of local amenities.

It is our view that ICK0017, which is positioned 974m from Icklesham Village Store is still within an accessible location, and one which is readily connectible by foot and cycle.

Q44. Specifically, what are your views on prioritising solar orientation and form factor when designing new developments?

The requirement in policy LWL6 B for major housing developments to have 50% of dwellings having a form factor of 1.7 or less may unnecessarily restrict housing layout and design. Where energy and sustainability credentials are otherwise being met it is an unnecessary requirement. An exception should be included within the policy to allow for instances where this may prove difficult or unnecessary and there are other competing objectives which have priority. The restrictive effect on housing mix and design is, for example, set out in paragraph 4.55.

Q45. What are your views on the Council's proposed policy on streets for all?

The creation of animated streets is desirable, however it is not clear how it is practical for all sizes of development, and how different proposals will be considered to meet policy.

The requirement for the installation of shared services to be demonstrated at the application stage is completely impractical when the details of services and infrastructure may not be known at the 'early stage', and it would require more unnecessary expense in terms of reports to be submitted for applications for new development. If it is to be required, then the Council needs to be sufficiently resourced with officers who have the correct skills and knowledge to be able to understand and comment on the installation of infrastructure to a site.

Q51. What are your views on the Council's preferred spatial development options?

We support the following identified spatial development options on page 110:

- Hastings Fringes urban growth (SDO5)
- Radial settlement network connected to Bexhill and Hastings (SDO2)
- Village clusters centred around Rye and Battle (SDO1)

Sites such as ICK0017 demonstrate that there is a significant degree of development capacity within these rural areas and villages where localised landscape assessments can demonstrate a lower sensitivity and potential for new housing of a modest size.

Q54. What are your views on the Council's proposed spatial development strategy and proposed minimum targets for housing and employment growth?

The Local Housing Need (LHN) is 733dpa based on the 2023 base date. The LPA is proposing a net completion rate of between 258 and 364 dpa (not even half that of the LHN and in the lower case, a figure which is less than the current Core Strategy). This is notwithstanding there being an acute housing crisis in Rother and a desperate under-supply. The ambition of the Council, which is to perpetuate this shortage at up to 364 dpa, is lack-lustre and far too low.

We are led to understand that the figures of 258 to 364 dpa are based on the total of committed developments (i.e. existing allocations and sites with planning permission), and the same with potential site allocations added. The proposal is therefore to base the housing requirement either on the existing level of development already committed or to only marginally increase it through the addition of those sites which it already feels palatable through the HELAA.

The proposed housing requirement should be based on or as close to the LHN as only then will Rother be able to say that it is planning for its housing needs of the future.

Q59. What are your views on the vision for Hastings Fringes and surrounding settlements?

We fully endorse the proposed strategy of delivering housing within the Hastings Fringe and Surrounding Settlements. This represents a great opportunity to increase housing in a sustainable manner where there are settlements that have good public transport accessibility and a good range of local services, such as Icklesham.

We would, however, state that if the Council is to maximise the benefit of delivering housing in this manner, then it needs to ease off the restrictions such as where it states:

Sensitive small-scale development will be delivered in villages surrounding Hastings, at densities consistent with the surrounding area, where it is sustainable to do so and does not negatively impact the setting of the High Weald NL.

A consistent application of landscape policy will protect the High Weald NL and deter from building on inappropriate sites and at too high a density in any case, however where a development is proposed for housing, in accordance with section 11 of the NPPF (2023), that developable land should then be efficiently used and in some instances that may mean building at a higher density than its surroundings where the surrounding density is uncharacteristically or unreasonably low.

The current wording of the policy does not allow for the most efficient use of land on those sites where it can be demonstrated that a development would not cause an unacceptable level of landscape harm.

Q60. What are your views on the distribution and opportunities for growth in settlements within the sub-area in figures 17, 18 & 19?

With regards to figure 17, we consider that this table should be annotated to make it clear that these numbers are minimum figures only. This will give the potential for those sites that do get developed to be built out more efficiently and to have the land that is given to housing to be utilised in the most sustainable manner. On the premise that the 15 dwellings for Icklesham (stated in figure 17) relates

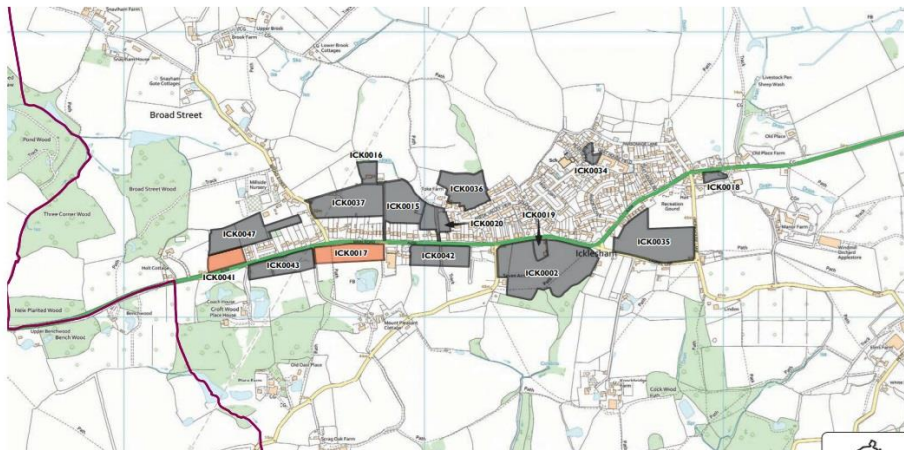
to ICK0017 in the draft HELAA (2024), subject to the aforementioned comment in respect of maximising the use of this site, we fully endorse this approach.

We make no adverse comments or otherwise in respect of figures 18 and 19.

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?

We promote the inclusion of site ID: ICK0017 for a minimum of 15 dwellings and we refer the Council to the Call for Sites Submission which has been submitted on 23 July 2024 on behalf of the landowner of this site. We can confirm that the site ICK0017 is ‘Available’ immediately and can be developed within a 5 year period. We include the HELAA version of ICK0017 in Appendix A and below:

OTHER POTENTIALLY SUITABLE SITES WHERE AVAILABILITY IS UNKNOWN								
Site ID	Site Address	Site size (hectares)	Summary of Environmental Constraints	Site Identification	Site Assessment	Availability	Estimated Development Potential	Anticipated Timescale for Development
ICK0017	Land adjacent to Little Sherwood Industry Park, Icklesham	1.37	The site is within the High Weald National Landscape. There are public footpaths running along the east and west boundaries.	Previously assessed	This site forms part of a larger field on the southern side of the A259. Unlike many parts of Icklesham village, the site is not exposed in the wider landscape because the field is relatively enclosed by boundary trees and woodland, although the site is crossed by a public right of way. It could, therefore, be suitable for limited residential or mixed-use development. However, additional development on this southern side of the A259 would represent a significant change to the development pattern, which largely limits development to the northern side of the road. There is a small amount of development on the southern side of the road, just east of this site, which is well screened from the road behind a tall hedge, and development at this site could potentially be similarly screened. There are other constraints including there being no footway on this southern side of the A259, and the comments of National Highways would be necessary. Furthermore, the availability of the site is unknown.	Unknown	Residential: 15 dwellings, or mixed-use: residential/employment floorspace	Unknown



Site ID: ICK0017 should be included within Figure 20 of the Draft Local Plan.

Q72. What are your views on the vision for Rother’s countryside?

We disagree that Figure 33 represents the Total Potential Housing Growth for Hastings Fringes (and Surrounding Settlements) as it should be a minimum and explore more opportunities for delivering housing through the identified sites and others, as applicable.

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?

Whilst we endorse the principle of the Housing Growth of Icklesham by means of the development of site ID: ICK0017, we would disagree with the range of 0-15 being used in figure 36. There is no reason as to why the development of this site and indeed the housing growth of the settlement needs to be

constrained, as this will restrict the most efficient use of land and fail to have greater consideration for the true development potential of the site(s).

Q111. Specifically, what are your views on requiring the submission of appropriate evidence to demonstrate that there is, or will be, sufficient infrastructure capacity to meet the demands of a new development?

It would be unreasonable and too costly for a small development to be able to demonstrate at the application stage that it could provide this level of information and evidence on infrastructure capacity. For small and medium sized developments, it should be the LPA that identifies areas of inadequate infrastructure within its district and secure CIL monies accordingly. A threshold needs to be placed into the wording of this policy with it being targeted towards large-scale major developments only.

Q112. What are your views on the Council's proposed policy on digital connectivity?

This is not going to be known at the pre-submission of an application, particularly on an outline application. It should be a condition of permission on small-scale major developments.

Q116. What are your views on the Council's proposed policy on affordable housing?

There is an X written into the policy where it should state at what percentage the amount of affordable housing should be provided. We reserve the right to comment on this when it does become available at a later stage. We would expect it to be somewhere in the region of 30-40%.

Q121. What are your views on the Council's proposed policy on allocating sites for wholly or substantially affordable housing?

We have no adverse comments to make on this policy subject to it being clear as to why a 100% affordable housing development is required on a case by case allocation. 100% affordable housing developments should also not become common-place to the extent that it comes at the expense of also providing site allocations to meet the market level housing need within the local area.

Q180. What are your views on the Council's proposed policy on trees, woodlands and hedgerows?

The requirement for a CAVAT is problematic. This is because firstly, the threshold for when the assessment is required relates to even the loss of an individual tree of indiscernible quality and regardless of impact, and secondly because a CAVAT can only be carried out by a qualified Arboriculturist, and it will therefore be a significant cost for an applicant to bear on submission of an application.

For example, the loss of a small conifer tree that would normally be rated as a category C or U tree (in the case that it is already diseased and needs removal), on a project which relates to one new build or even a lesser development such as a conservatory addition, would incur the cost of an Arboriculturist carrying out a CAVAT with the professional fees being in the region of £1,500.

The threshold for when a CAVAT is required needs to be significantly high to bear the cost of its production. Any CAVAT should also not be used just to generate monies for the Council and so there needs to be a requirement for the Council to use such monies appropriately.

Criteria (ii) and (iii) of LAN2 are conflicting. The former requires no loss of hedgerows whereas the former allows for occasions where hedgerows can be lost. Obviously, in certain circumstances hedgerows and trees can be lost to provide for other public benefits, and so criterion (ii) needs to be amended.

Criterion (iv) should not be a policy requirement as it replicates other legislation and guidance.

[End of Comments]

We trust that these comments will be taken into account in the Council's review of the Regulation 18 Plan, and we would be grateful to be included on the mailing list of any updates as the plan process evolves further forward, specifically in respect of the HELAA and Icklesham sites.

Yours faithfully,

James Hutchison

James Hutchison MRTPI
Planning Director

Corbil Planning Ltd

Appendix A: *HELAA Extract for Site ID: ICK0017*