
Rother District Council Development and Site Allocations Local Plan

Examination Statement – Matter 4: Development Policies

Prepared for Mr Donald Gill and Persimmon Homes

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1. Introduction

- 1.1. This Examination Statement is submitted on behalf of Mr Donald Gill and Persimmon Homes in response to the Inspector's questions in relation to the Rother District Council ("RDC") Development and Site Allocations Local Plan ("DaSA").
- 1.2. This follows previous representations which were made by Savills on behalf of Mr Donald Gill and Persimmon Homes, to the Regulation 18 and the Regulation 19 Consultations in relation to **Land East of Watermill Lane** [Policy BEX3c]. This Site forms one of three development parcels within **Land at North Bexhill** [Policy BEX3] of the emerging DaSA.

2. Matter 4: Development Policies

ISSUE: ARE THE DEVELOPMENT MANAGEMENT POLICIES SOUND, COMPLIANT WITH THE CORE STRATEGY, NATIONAL POLICY AND EVIDENCE?

HOUSING

POLICY DGH3: RESIDENTIAL INTERNAL SPACE STANDARDS

Q.1. Is there sufficient evidence to justify the adoption of the nationally described space standard?

- 2.1. By the Council's omission, there is little evidence to justify the adoption of the nationally described space standard (NDSS). As RDC does not collect and record data on internal floorspace, the Council has chosen to inform this research using Energy Performance Certificates (EPC) from new-build transactions between January 2013 to July 2018. As an EPC is required for all properties when constructed, let or sold, the EPC is a reliable source of evidence. From this data, RDC concede that the average unit sizes of new-build dwellings in the District are exceeding standards in terms of Gross Internal Area (GIA).
- 2.2. The complications arise when considering the Council's methodology for calculating the internal configuration of new dwellings. RDC state that they assessed 10 Major Sites and nine Minor Sites in the District that were within or on the edge of settlements. These developments were then measured using the information provided in their approved plans which were assessed against the NDSS.
- 2.3. Figure 4 of the Space Standards Background Paper outlines: which development sites were used to inform the study; their status in April 2018; planning reference; and, the number of units on each site. Strikingly, from a total sample size of 474 units, 108 units are from the same development (Land off Pebsham Lane, Bexhill, ref: RR/2014/1223/P), constituting 23% of the study sample. As such the averages calculated by RDC are over-representative of this particular development, which is likely to skew the results.
- 2.4. Whilst this Statement refuses to comment on the dimensions of a specific development, it should be noted that the small sample size and the lack of transparency in the calculations has undermined the value of this evidence. Furthermore, the background paper has chosen to generalise the data and present average sizes for the developments, this means that the outliers will skew the average. To present a truer representation of the average internal configuration, the Local Planning Authority should calculate the average of the interquartile range within the sample study to reduce the impact of abnormal developments on the calculations. It is considered that due to the vast assumptions within the calculations on the internal configuration of this sample study, the evidence is insufficient and inconclusive.
- 2.5. To present a more rigorous study that truly represents the dimensions of new build development in the District, the Local Planning Authority will need to start gathering evidence of the internal layout and GIA of all new development hence forth. This will establish a solid evidence base for the next iteration of the DaSA or complete Local Plan review. The existing data set is statistically flawed with no rationale for how the developments were chosen. As such, the results of the study are invalid.

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- 2.6. The background study on space standards also makes the assumption that calculations on the size of the new-build dwellings in the District constitutes evidence for identifying local need or market demand. The evidence used only presents the quantitative results of the study, therefore, it is fallacious to attribute need to these statistics without assessing the local appetite for new build development and experiences of new home buyers.
- 2.7. Considering the lack of evidenced need for Policy DGH3 in the District and the subsequent threat that burdensome policy may have on development viability, it is safe to conclude that the introduction of NDSS is not positively prepared, justified or consistent with national policy.
- 2.8. To ensure that the DaSA is consistent with the National Planning Policy 2012 (NPPF1), all policies will need to implement the presumption on favour of sustainable development. As outlined in paragraph 14 of the NPPF1, this means that *“Local Plans should meet objectively assessed needs, with sufficient flexibility to rapid change.”*
- 2.9. This is elaborated on within paragraph 174 of the NPPF1; when assessing the cumulative impacts of additional planning policy on local standards, national policy states that: *“In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle.”*
- 2.10. Local evidence has shown that without NDSS, the District has been able to produce housing that has generally exceeded national standards, demonstrating that local needs can be met without the introduction of NDSS. As written, Policy DGH3 is unfoundedly prohibitive and lacking in the flexibility to adapt to change, this may result in reduced housing delivery in the District. Importantly by artificially forcing the smallest unit sizes upwards in adopting NDSS across the board this will also inevitably push up the lowest asking prices for the new dwellings to cover the extra materials and overall build costs incurred. Accordingly this would only serve to drive unaffordability.
- 2.11. The justification for the imposition of the internal space standards was considered in the Inspector’s Report on the Examination of the Canterbury City Council Local Plan published in June 2017.
- 2.12. Paragraph 232 of that Report states as follows:
- “The Council’s suggested modifications to Policy DBE7 and Table D3 would require the application of the nationally described residential internal space standards. These would replace the local standards in the submission LP. The Council’s case is based largely on national evidence. However, the Government has decided that the national standards should not be mandatory. The Council indicates that currently most planning applications conform to these standards in any event. While the evidence base should be proportionate, the specific requirement in the WMs to establish a clearly evidenced need in order to apply the optional standards has not been met. As such, the deletion of the standards in MM127, MM128 and MM129 is necessary for consistency with national policy.”*

- 2.13. Accordingly to safeguard the delivery of housing and to maintain affordability, Policy DGH3 should be omitted from the DaSA. However, if still considered justified in an amended form, Policy DGH3 should be amended so that it states that:

“All new dwellings (including changes of use and houses converted into flats) should be designed with the aim of providing adequate minimum internal space, and where possible these should be in line with the Government’s nationally-described space standard.

However to ensure the viability and deliverability of development in the District, the Council will consider development proposals below space standards to ensure deliverability and affordability of new dwellings.”

POLICY DHG4: ACCESSIBLE AND ADAPTABLE HOMES

Is there sufficient evidence to justify the requirement for all dwellings to meet M4(2): Category 2 – Accessible and Adaptable Dwellings?

- 2.14. There is no need for 100% of new dwellings to be built to category M4(2) – adaptable and accessible dwellings. The evidence presented by the Council has identified that 23.4% of the population in Rother District have a long-term health problem or disability, of which, 10.7% have their day-to-day activities limited a lot (Page 11, Adaptable and Accessible Background Paper). To provide appropriate housing for the District, new developments should be built out in the accessibility standards proportionate to the identified need in Rother.
- 2.15. Developing and designing housing schemes to ensure that they all comply to Building Regulations M4(2) has a damaging effect on the overall aesthetics of the scheme. These stringent policies increase the likeliness of homogenising new development throughout the District and act as a possible obstacle to housing delivery.
- 2.16. The initial DaSA Options and Preferred Options set out four options for Access Standards:
- a) *“Apply universal new policy that requires all residential development across the District to be built to M4 (2) standard contained within the Building Regulations;*
 - b) *Apply new policy requiring 25% of residential development on sites of 11+ dwellings to be constructed to enhanced access standards M4 (2) contained within the Building Regulations*
 - c) *Apply new policy requiring 25% of residential development on sites of 11+ dwellings to be constructed to enhanced access standards M4 (2), with an additional 5% being built to M4 (3) (b) contained within the Building Regulations;*
 - d) *No policy relating to enhanced access standards. All development to be built to M4 (1) standard (baseline) contained within the Building Regulations.”*

(Accessible and Adaptable Housing Background Paper: Paragraph 7.1.)

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- 2.17. Whilst RDC has given evidence for the need to implement policy for Accessible and Adaptable Housing, the Council has not detailed why they have chosen to discredit the alternative options set out in the Regulation 18 consultation.
- 2.18. To satisfy national policy and RDC's Core Strategy supporting inclusivity, the mandatory baseline of M4(1) is considered generally sufficient to ensure that housing is accessible to everyone in District. Additional standards requiring new homes to be constructed to M4(2) specifications should only be made applicable for the proportion of the populations that they will serve. This would make sufficient housing provision for the need in the District whilst facilitating residential development with a diverse offering of design and mix.
- 2.19. Looking at more site specific issues and specifically at Site BEX3c Land East of Watermill Lane, the requirement for 100% of dwellings to meet M4(2) standard could have quite significant repercussions on the external layout and appearance of the development due to the significant topographical changes on the site. Indeed this requirement could artificially limit the quantum of development which is achievable on this sloping site and raise build costs significantly. Additional costs would arise from the requirements for level access, disabled parking bays and ramps rather than steps.. Clearly this situation will not be unique to this site and as such a more flexible approach is warranted.
- 2.20. Accordingly to ensure that Policy DHG4 is justified and proportionate to need in the District, it should be amended to state that:

"The Council adopts the Optional Buildings Regulations for Accessible and Adaptable Homes.

25% of residential development on sites of 11+ dwellings to be constructed to enhanced access standards M4 (2) contained within the Building Regulations

Where there is an identified need on the Housing Register, sites that provide affordable housing in line with Policy DHG1, are as part of the affordable housing requirement, expected to provide 5% of the total housing requirement to meet M4(3): Category 3 – Wheelchair Accessible Dwellings.

In circumstances where it can be demonstrated by the applicant that it is not practicable or financially viable to deliver the provisions above or where the requirements are clearly incompatible with conserving and enhancing historic character, will new development be exempt from these policy requirements."

POLICY DHG6: SELF BUILD AND CUSTOM HOUSEBUILDING

Is the requirement for provision for 5-10% of the total number of dwellings on sites of 20 or more dwellings to be made available as serviced plots for self and custom housebuilders justified by the evidence?

- 2.21. There is little evidence to support the requirement for provision of 5-10% serviced plots for self-build and custom housebuilding (SBCH) on sites of 20 or more. Data provided in Figure 11 of the 2018 Local Plan Monitoring Report shows there were 136 entries on the Self and Custom Housebuilding Register as of 30th April 2018. Whilst this figure demonstrates that there is an appetite for SBCH in the District, it is not definite and does not mean that these parties are in the position to start development on a serviced plot. To clarify need, RDC should require interested parties to provide more detailed information to provide a true reflection of the local demand for SBCH.
- 2.22. The Housing Land Supply Report 2018 shows that of the 138 interested parties on the Self and Custom Housebuilding, 59% have indicated a preference to serviced plots within the Rural East of the District. This shows that interest in SBCH does not correspond with the spatial strategy outlined in the DaSA. Therefore, Policy DHG6 will not necessarily provide serviced plots that reflect local demand.
- 2.23. The Examination of the Runnymede Local Plan showed that when more stringent registration requirements were applied, in line with national policy, the numbers of interested parties on the register fell from 155 to just 3. There is no evidence to show that RDC have revisited the self-build register to identify whether those who registered interest are still interested in acquiring a serviced plot and are in the position to undertake the build.
- 2.24. Furthermore RDC are seemingly aware of the possibility that the serviced plots will go undeveloped and have caveated Policy DGH6 to outline that once the SBCH plots have been made available and marketed for at least 12 months, the sites can be released to market housing, in line with the terms set out in the relevant legal agreements.
- 2.25. National Planning Policy Guidance, Paragraph: 025 [ID: 57-025-201760728] provides guidance on how Local Authorities can increase planning permissions for self-build and custom housebuilding. This states that local authorities should look to use their own land, engage with landowners who own sites (encouraging them to consider self-build and custom housebuilding), and working with custom build developers to maximise opportunities. It is acknowledged that the guidance states that increasing the proportion of self-build plots through policy is noted as a suitable avenue to pursue, but it would be contrary to the guidance as a whole to enforce a percentage of plots to be brought forward as self-build housing, when guidance encourages a more co-operative process of engagement as opposed to imposition.
- 2.26. To ensure that the DaSA is effective in allocating appropriate sites for SBCH, we recommend that the Council take a more proactive stance in finding suitable sites that are aligned to local demand, in lieu of introducing a sweeping policy that does not respond to an identified local need.

POLICY DHG7: EXTERNAL RESIDENTIAL AREAS

- Q.2. Is the requirement for a minimum rear garden length of 10m justified by the evidence? Would it be effective in securing the objectives of the Core Strategy?**
- 2.27. Policy DHG7 “External Residential Areas” seeks to provide policy guidance on private external space, car parking and storage, waste and recycling. The section of policy that causes the most concern is part (i) Private External Space. This sets out that for dwellings, private rear garden spaces of at least 10 metres in length will normally be required.
- 2.28. Whilst it is acknowledged that there are good intentions behind this policy through ensuring the 20-22m gap between habitable rooms is readily maintained, and it is agreed that a suitable amount of amenity space should be included for private dwellings, the policy fails to recognise the variations in homes, sites, and the fact that not all homes can accommodate a 10m length garden.
- 2.29. The evidence presented in the Residential Garden Sizes Background Paper shows that across minor and major schemes the average garden length has exceeded the 10m requirement. Within the average, only 8% of minor schemes and 7% of major schemes provided gardens fell short of this threshold. This demonstrates that market is already providing sufficient amenity space. Additional policy constraints are too prescriptive and surplus to requirement as development is already effectively responding to the market.
- 2.30. This policy should be amended to utilise a figure of area (such as 50sqm) which would allow developers more flexibility to deliver sufficient outdoor amenity space in line with policy.

IMPLEMENTATION

POLICY DIM2: DEVELOPMENT BOUNDARIES

Are the proposed changes to the development boundaries justified by the evidence?

Will the proposed changes to the development boundaries be effective in ensuring that sufficient housing is provided for?

- 2.31. Draft *Policy DIM2: Development Boundaries* sets out that development shall be focused within defined settlement boundaries. These representations support the approach of development within the settlement boundary, with particular support given to the amendment of the settlement boundary of Bexhill to include site BEX3c. However, this statement seeks a technical amendment, as the extension does not go far enough. It does not include the land to the north of the NBAR which was previously included as part of the North Bexhill Site Allocation Options which went out to public consultation in the Options and Preferred Options Consultation in December 2016. Specifically Options 2 and 3 (pages 145 & 146) both included this area of land to the north of NBAR as suitable for a Proposed Business Area (coloured purple), and an extract of Figure 24 is included overleaf.

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Figure 24. North Bexhill Detail Map - Option 2

- 2.32. This land is readily available for additional development and could accommodate either residential or commercial development. This remaining area is simply not viable to retain for any meaningful agricultural purposes. As previously submitted to Rother DC this area of land on the north side of NBAR also presents the opportunity to provide a new home for Sidley Cricket Club who have had to move from their existing ground, but their occupation of this area in part would leave a remaining baron piece of land adjoining NBAR which could be put to effective use to accommodate modest additional development as part of this site allocation. This could be used for either residential or commercial development. Within **Appendix 1** a masterplan, produced by Concept Architecture (Drawing Ref. MP-01), is included which illustrates how the cricket pitch and residential development (c.25 dwellings) could be accommodated and would use the ancient woodland as a natural edge to the limits of the built up area, rather than adopting the current approach of using the NBAR as an artificial hard edge.

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- 2.33. It is also noted that Rother DC have made comments in respect of sustainability of this additional site in their responses to our Regulation 19 submissions. This site it is hardly that much different from the land to the south and it would be entirely feasible to accommodate provision for a new bus route along NBAR to service this area, and other development along NBAR, whilst the same walking and cycling routes through BEX3c would remain available for use. The concept plan indicates the potential location of a new bus stop.
- 2.34. Accordingly it is submitted that the proposed Bexhill settlement boundary should be revised to include the land to the north of the NBAR as an addition. This amendment would enable the provision of an additional 25 dwellings or additional commercial development that will further ensure that the plan is robust against any reductions or shortfall in housing or employment land supply which may arise due to situations elsewhere in the district and enable the provision of a new cricket pitch for Sidley Cricket Club which is an important and much needed piece of social infrastructure.

3. Conclusions

- 3.1. The NPPF1 acknowledges that additional planning restrictions and obligations should be made with full regard of the ensuing viability and deliverability of the sites. This is caveated within paragraph 173 of the NPPF1, which outlines that (emphasis added):

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be development viably is threatened. To ensure viability, the costs of any requirements likely to be added to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

- 3.2. Rother District Council has produced a series of Development Management Policies, specifically DHG3, DHG4, DHG6 and DHG 7, without giving sufficient thought to the cumulative impact of these policies on the overall deliverability and viability of residential development within the District. As a result, the prescriptive development policies will have a detrimental effect on housing schemes within the District and will considerably impede RDC’s ability to meet their housing targets.
- 3.3. These submissions also propose a modification to the development boundary on the north side of BEX3c which would enable this site to be modestly expanded to use the ancient woodland as a natural long term boundary tot eh built up area, rather than the artificial edge of NBAR. This modification would provide space for the relocation of Sidley Cricket club and enable some modest additional development to be incorporated. This could be in the form of either residential or commercial development.
- 3.4. The recently published Housing Delivery Test results show that RDC has only been able to deliver 69% of their Housing Targets. Whilst the results of the Housing Delivery Test do not apply to this examination, RDC’s precedent of under-delivering on their housing targets should be a material consideration in this examination. Though the adoption of the DaSA will contribute to an increase in housing delivery, to ensure sustained growth, RDC need to allow for some flexibility to facilitate long-term and sustainable development within the District.
- 3.5. For the DaSA to be found sound, it needs to be Positively Prepared, Justified, Effective and Consistent with National Policy. This report demonstrates that the Council has not provided sufficient evidence to justify implementing these exhaustive policies on residential development. When considering the cumulative impact of planning policy on the viability of residential development, and the historic precedent of under-delivery in the District, RDC need to ensure that the DaSA provides sufficient flexibility to accommodate sustainable growth within Rother.

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Appendices

Appendix 1.0

Masterplan Layout for BEX3c

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