



THE HOME BUILDERS FEDERATION

Rotherham Metropolitan Borough Council
Planning Policy Team
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Sent by Email Only

9th November 2015

Dear Sir/Madam

Rotherham Local Plan: Publication Sites and Policies Document

1. Thank you for consulting with the Home Builders Federation (HBF) on the Rotherham Local Plan: Sites and Policies Document.
2. The HBF is the principle representative body of the house building industry in England and Wales and our representations reflect the views of our membership of multinational PLCs, through regional developers to small, local builders. Our members account for over 80% of all new housing built in England and Wales in any one year including a large proportion of the new affordable housing stock.
3. We would like to submit the following representations on the publication version of the Sites and Policies document. This response should be read in conjunction with our covering representation form.

The HBF would also like to attend the examination in public to debate these matters further.

Core Strategy paragraphs 1.2 to 1.5

The paragraphs as drafted are not considered sound as they are not positively prepared or justified by the Core Strategy.

4. The HBF note and agree with plan paragraph 1.4 which identifies that '*Local Plan documents must conform with the Core Strategy*'. There is, however, no reference regarding the need to review the Core Strategy to take account of the outcomes of the 2015 SHMA update. The Council will recall this was a key issue during the

examination of the Core Strategy and led to the inclusion of Core Strategy Policy CS34. This policy identified an immediate review of the Core Strategy was required if the updated SHMA identified a greater need for housing than identified in Core Strategy Policy CS6. The 2015 Joint Rotherham – Sheffield SHMA and Rotherham SHMA update both indicate a higher housing requirement than currently provided by Core Strategy Policy CS6, suggesting 900dpa compared to 850dpa. Whilst these figures remain untested it does point towards the need for a review, in line with Policy CS34. This is potentially an area of concern under the Duty to Co-operate.

5. Whilst the HBF recognise that the Sites and Policies document must be in conformity with the adopted Core Strategy, as well as the dire need for additional housing allocations within Rotherham, the Sites and Policies document should consider this need for a review of the Core Strategy and the housing requirement the Sites and Policies document is founded upon.

Recommendation

6. Further text is added to paragraphs 1.2 to 1.5 regarding the need to review the Core Strategy and the housing requirements included within Policy CS6. The Sites and Policies document should also either be subject to early review or provide sufficient flexibility to enable the implications of the SHMA update to be provided through the allocations within the Sites and Policies document. This flexibility could be in the form of additional allocations which are released pending the review of the Core Strategy.

Policy SP1: Sites Allocated for Development

The policy is considered unsound as it is not considered positively prepared or effective.

7. The HBF does not wish to comment upon the acceptability, or otherwise, of individual sites. Table 7 of the plan identifies that the plan is seeking to allocate sites capable of accommodating 8,626 dwellings. This is 1,281 dwellings greater than the remaining housing requirement once commitments are taken into account. Representing a potential buffer of just under 9% over the plan requirement.
8. The HBF is supportive of the Council providing a buffer of sites. Our reasoning for this is two-fold, firstly the plan requirement is identified as a minimum and as such it stands to reason that the plan should seek to surpass this requirement. Secondly a buffer will provide a balance against the inevitable under or none delivery from some existing commitments or proposed allocations.
9. The size of the buffer is not, however, considered to be sufficient in the case of Rotherham. We conclude this due to the significant under-delivery which has occurred in Rotherham over recent years and because of the uncertainty associated with the need to review the Core Strategy in light of the higher housing needs identified through the SHMA update.
10. The under-delivery over recent years needs to be considered in relation to the 7,026 dwellings reported to be commitments at 31st March 2013. It is likely that a proportion of these commitments will not transform into future dwellings and as such

a discount should be applied. Ideally the level of such a discount should be informed by evidence of the past history of non-implemented permissions. It is, however, notable that numerous local authorities have sought to apply a flat 10% discount to existing commitments. This simplistic approach would equate to 703 dwellings and would dramatically reduce the available buffer to just 578 dwellings. Furthermore the *Whole Plan Viability Assessment (May 2013)* identifies within Table 4.2 (page 50) that the cumulative impact of the Council's affordable housing policy and a £5,000 policy contribution would make development unviable. Given that this plan would introduce new policies with cost implications, as indicated but not quantified by the 2015 *Local Plan Policy Viability Assessment*, it is possible that a number of sites or allocations in more constrained locations will not come forward due to viability constraints.

11. The issue of uncertainty regarding the housing needs of the area is addressed in our comments upon paragraphs 1.2 to 1.5 of the plan above. It is worth noting that if the 900dpa housing needs figure identified within the SHMA were included from 31st March 2013 this would amount to a need for at least 700 additional dwellings. Once this is added to the suggested discount upon existing commitments it would be greater than the overall buffer identified within the plan.

Recommendation

12. To provide sufficient flexibility and account for the potential need to increase the housing requirement based upon the housing needs set out within the updated SHMA it is recommended that additional sites are considered for inclusion in Policy SP1. Ideally this would account for at least an additional 20% over and above the current plan requirement, inclusive of commitments. These additional sites could be identified as contingency sites and only brought forward if specific criteria are met. This could include the lack of a five year supply, monitoring against the housing trajectory and a greater housing need identified through the early review of the Core Strategy.

Policy SP11: Housing Delivery

The policy is not considered sound as it is unjustified.

13. In common with our comments upon this policy at the previous stage of consultation, the HBF consider it to be superfluous and unjustified. The Council's commitment to ensuring it will maintain a five year supply is welcomed, however, NPPF paragraph 47 provides the relevant tests for the application of the 20% and 5% buffers. The requirement for each buffer will vary dependent upon the degree of under-delivery which has occurred. This can only be assessed at the relevant point in time and not by the setting an arbitrary time period as suggested by the Council. The Council has a prolonged history of under-delivery, stretching back until at least 04/05. This has led to a significant under-supply against the Core Strategy requirement of 2,136 dwellings, as at 31st March 2015 (SHLAA Update 2015). Given this history of under-delivery and the significant level of under-supply it is considered a 3 year consecutive period would be insufficient to suggest the Council is consistently meeting its annual housing requirement and is unlikely to have caught up this shortfall.

14. The HBF is also unclear why the Local Authority is so keen to reduce its buffer to 5%. As stated above the Council has a prolonged history of under-delivery, therefore if the Council do begin to overcome previous under-delivery by including a 20% buffer in its 5 year housing supply it is in the interests of positive planning to retain such a buffer. The use of a higher buffer provides greater choice and flexibility in the market ensuring that the Council has greater opportunity to achieve its annual housing requirement. The Council appear to consider the use of a 20% buffer as an indicator of failure and thus must revert to a 5% buffer at the earliest opportunity. However because the 20% is simply brought forward from later in the plan period a higher buffer should be viewed positively as it will assist the Council in attaining its overall plan objectives of ensuring it meets its housing requirement within the plan period.

Recommendation

15. The HBF recommend the policy is deleted.

Policy SP16: Land Identified for Industrial and Business Uses

Policy SP16 is considered unsound as it is not positively prepared, consistent with national policy or justified. The policy seeks to unduly protect employment sites from other uses and restricts without exception their use for housing development.

16. The policy considers development proposals in use classes C2, C3 and C4 as being unacceptable on land identified for industrial and business use. Whilst the HBF note the Council's concerns regarding incompatible land uses such assessments should be undertaken on a case by case basis and not rule out certain types of development as a general principle within a policy. In this regard it is considered that the incompatible land uses clause within Policy SP17, part d, adequately covers such issues. The NPPF does not advocate an overly protective policy stance indeed the policy is considered contrary to paragraph 21 of the NPPF which seeks to facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

17. Furthermore NPPF paragraph 22 states planning policies should avoid the long term protection of sites for employment use where there is no reasonable prospect of the use coming forward and that other uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The NPPF does not rule out residential development of such sites.

Recommendation

18. The final paragraph of Policy SP16 be amended to read; *'Development proposals within Use Classes C2, C3 and C4 will not be acceptable. Other uses will be considered on their merits in line with Policy SP17....'* The supporting text should also be amended accordingly.

Policy SP60: Sustainable Construction and Wind Energy

Part C of the policy is unsound as it is not consistent with national policy.

19. Part C of the policy requires applicants to demonstrate how renewable and low carbon technologies have been incorporated into new developments. This is contrary to national policy upon the energy requirements of new housing developments. The written ministerial statement by Eric Pickles on 25th March 2015 clearly explains local planning authorities should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. With regards energy the Housing Standards Review has clearly expressed that a single standard within the Building Regulations is the only approach to energy requirements and as such local plans should not seek to introduce new standards or requirements.
20. The inclusion of part C is considered contrary to this requirement and therefore should be deleted.

Recommendation

21. Part C of the policy be deleted or specifically be related to non-residential development.

Information

22. I would be pleased if I could be informed of the following;
- Submission of the DPD for examination,
 - receipt of the inspectors report, and
 - if and when the Council intends to adopt the DPD.
23. I would be happy to discuss any comments made within this representation with the Council prior to submission of the document to the Secretary of State.

Yours sincerely

MJ Good

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