

Planning Policy
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

10th May 2019

Dear Sir / Madam,

DRAFT AFFORDABLE HOUSING SPD

I write on behalf of LiveWest who have under contract or are looking to deliver, subject to opportunity, in excess of 500 affordable homes in the district in the next five year period. LiveWest also has an interest in the delivery of open market homes in the district. We have the following comments in relation to the draft Affordable Housing SPD.

2. Context and Overview of Policies and Evidence:

The explanation of affordable housing types on page 6 reproduces the definitions in the National Planning Policy Framework (NPPF) and does not reflect that the NPPF may be amended during the lifetime of the SPD. To ensure that the document remains compliant with the NPPF in the future, it should not simply replicate the national policy, and there should be reference to any successor national policy which may be published by the Government.

4. Tenure and Mix

The document should not restrict the bedroom size mix as the need may change over time and there may be specific evidence available for individual settlements. The SHMA referred to in paragraph 4.8 is now four years old and should be updated as a matter of urgency to reflect current housing need requirements. We suggest that paragraph 4.8 is amended so that the type of affordable homes sought makes reference to "any more up to date evidence".

We are pleased to see that the document allows the staircasing restriction to be removed for grant funded shared ownership dwellings in a Designated Protected Area (DPA). For non-grant funded dwellings in DPA's, EDDC will remove the restrictions under certain conditions, which includes where it can be evidenced that the restriction is making the home unaffordable to potential purchasers due to high interest rates or deposits required by lenders.

There is no requirement in the NPPF for shared ownership homes in DPA's to be retained in perpetuity when they have not been grant funded. We therefore request that this blanket restriction should be removed as it will cause delay to home ownership while the evidence is gathered and the S106 Agreement amended.

5. Design and Layout

The text in paragraph 5.7 requires that a single cluster of affordable homes must include a mix of tenures. In smaller clusters this will create issues for design and management and we ask that this requirement be deleted as it will create unnecessary complications and restrictions on the location of the affordable homes by tenure on a site.

LiveWest would support a stronger reference to National Space Standards within the document.

6. Rural Exception Sites

Paragraph 6.13 requires that Rural Exception sites should be close to at least 4 of the listed community facilities and services. 6.14 states that these facilities should be accessed by walking or cycling. This is too restrictive and may prevent affordable homes from being developed where there is housing need and local facilities in neighbouring settlements could be accessed by public transport or car. The draft criterion is too restrictive and will prevent affordable homes from being developed in small rural communities. We ask that this paragraph is reviewed.

7. Legal Agreements

Between paragraphs 7.7 and 7.12 deal with the prioritisation of allocations to affordable housing by need and by area. Whilst accepting that priority should be given to those with the most immediate relationship to the settlement (e.g. a connection to the Parish) it is important for the efficient letting of homes if allocations can be considered from all potential sources at the same time. LiveWest would not support a 'sequential' approach to the allocations search areas as defined at 7.11, but rather that these were sought simultaneously but priority given in accordance with specified areas.

Specifically at 7.11 (iii) LiveWest welcomes the reference to those with a connection to Exeter but would suggest that this could also usefully include Mid-Devon.

Specifically at 7.12 LiveWest would prefer that specific written agreement of East Devon be limited to (iv) and (v).

Paragraph 7.18, it states that "Where possible, ... homes will be subject to a perpetuity restriction in the S106 meaning the homes remain affordable for a period of at least 80 years". This will create barriers to affordable home ownership in East Devon as potential purchasers will not be able to secure mortgages at competitive loan rates and will encounter problems when selling on

their share. The NPPF refrains from restricting all affordable homes for sale as affordable 'in perpetuity', and applies it only to Rural Exception Sites. We therefore suggest that paragraph 7.18 be deleted and that the reference to affordable homes being in perpetuity is removed from the standard Section 106 Agreement attached at Appendix Three.

8. Appendix Three – Standard Section 106 Agreement for affordable housing

We would refer you to our comments made above at '7. Legal Agreements' and in addition would add the following:

- Local Connection should allow for consideration of nominations to adjoining districts outside of Devon
- LiveWest would prefer that the definition of Shared Ownership Lease should have the reference to restrictions to 80% removed (see comments above).

LiveWest would like to be notified of any changes to the SPD and when it is adopted, by email to [REDACTED]. Please contact me if you would like to discuss any points raised in this letter.

Yours faithfully,

[REDACTED]

Katie Wakefield
Development Planning Manager

[REDACTED]