


SMF/508/12/1

10 May 2019

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Dear Sir/ Madam

Re: Draft Affordable Housing Supplementary Planning Document – Representations on behalf of The Crown Estate

On behalf of our client, The Crown Estate, please find enclosed our representations to the Draft Affordable Housing Supplementary Planning Document dated March 2019.

The Crown Estate (TCE) owns land forming part of the strategic allocation to the East of Axminster identified for mixed use development under Strategy 20 of the Local Plan and the Masterplan Study Area as defined in the Axminster North Eastern Urban Extension Masterplan endorsed by the Council in January 2019. TCE is working with the Council and Persimmon Homes (as the adjoining landowner) to deliver a comprehensive mixed use development that achieves the strategic priorities for the town and the District.

The comments below are, therefore, made in the context of the delivery of the strategic extension at Axminster.

Section 3: Thresholds and Targets

The Draft SPD has been prepared in the context of Local Plan Strategy 34, which sets out thresholds and targets to deliver affordable housing across the District. As confirmed under Table 3.2 of the draft SPD, consistent with Strategy 34, the affordable housing target for the Axminster Built up Area is 25% with land outside of the Built up Area Boundary (Rest of Devon) given a target of 50%. As matters stand, the Axminster North Eastern Extension 'Masterplan Study Area' straddles these two affordable target areas.

Extensive viability and technical work has been undertaken in relation to the preparation of the endorsed Axminster North Eastern Urban Extension Masterplan (January 2019). Through various iterations of the Masterplan, the viability work establishes that further land (outside of the defined Axminster Built up Area Boundary) is necessary to deliver the objectives of a new relief road for Axminster in addition to new homes and jobs. The Masterplan defines the quantum of development and distribution of uses across the Masterplan Area having regard to this viability work. It is important to note that this viability work is based on an affordable housing target of 25% across the Masterplan Area (including those parts of the Masterplan Area that fall outside of the Built up Area). Any uplift in the affordable housing target would, therefore, have a direct impact on the deliverability of the strategic extension.

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It is important that the Affordable Housing SPD is prepared to remain consistent with other guidance documents prepared and endorsed by the Council. The Axminster North Eastern Urban Extension Masterplan has been recently endorsed by the Council (January 2019) and is, therefore, a material consideration in planning decisions that carries substantial weight. In this regard, Section 3 of the Draft SPD and Table 3.2 should be amended to make clear that the affordable housing target across the Axminster Masterplan Study Area is 25%. Such an amendment is necessary to avoid any conflict within the Council's local planning policy guidance.

Commuted Sums

Paragraph 3.7 of the Draft SPD advises that, in circumstances where the application of targets does not lead to a 'round' number, the remaining proportion will be paid as a commuted sum. This requirement does not, however, form part of Strategy 34 of the Local Plan and has not formed part of the Council's local policy guidance to date. The introduction of this requirement now in the absence of a proportionate assessment of viability is unreasonable and conflicts with national planning guidance. The National Planning Practice makes clear that:

*"Plans should set out policies for the contributions expected from development to enable fair and open testing of the policy at examination. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure. This can include strategic spatial policies as well as policies for particular sites or development types. **Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy.**" (our emphasis)¹*

For the reasons described above, where affordable housing is provided on-site in accordance with local policy and guidance, a commuted sum should not also be sought.

Overage Clause

Paragraph 3.14 of the Draft SPD refers to an overage clause to be inserted into a S106 where viability evidence justifies a lower level of affordable housing delivery than the policy target. An overage clause in respect of Land to the East of Axminster to claw back up to 50% in respect of that part of the site that falls outside the Built up Area Boundary would not be reasonable as the endorsed Masterplan for the site establishes a site wide 25% affordable housing target. The above suggested amendments to Section 3 and Table 3.2 would clarify this position.

Tenure, Mix and Size

We note that the Council is continuing to seek affordable housing at a tenure split of 70% social rent and 30% intermediate in accordance with the 2015 SHMA subject to viability considerations. In this regard, it is important that the Council does not rule out alternative tenure mixes that facilitate the delivery of strategic objectives, for example the on land to the east of Axminster. In terms of intermediate housing, paragraph 4.5 of the Draft SPD advises that the Council's 'priority' is to deliver 'shared ownership, relevant equity loans and other low cost homes for sale' on the basis that the SHMA pre-dates the revised definition of Affordable Housing set out in Annex 2 of the NPPF (February 2019). However, it is important that, in accordance with national planning policy, the Council does not rule out the opportunity for developers to deliver the other affordable housing types described in Annex 2 to the NPPF, which includes Starter Homes and Discounted

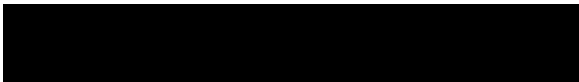
¹ Paragraph: 004 Reference ID: 23b-004-20190315

Market Sales Housing. Greater flexibility should be embedded within the wording of the Draft SPD to encourage affordable housing in accordance with the revised national definition of affordable housing.

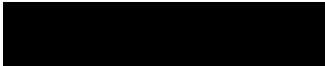
In terms of unit sizes, while the evidence contained within the SHMA 2015 is noted, it is important that obligations attached to outline consents do not place prescriptive requirements on the size of the affordable housing units to be delivered on site. This should be established at the detailed design stage to enable the development to respond to market conditions at the time of construction.

I trust that the above comments will be taken into account when preparing the next draft of the Affordable Housing SPD. If you have any queries relating to our comments please do not hesitate to contact the undersigned. In the meantime I'd like to thank you for the opportunity to comment on the Draft Affordable Housing SPD and I'd be grateful if you could confirm safe receipt of these representations.

Yours sincerely,



Sarah Fordham
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Associate - Town Planning



cc: Steve Melligan, The Crown Estate
Nick Jones, Savills