

URN 147

Further Representations on East Devon District Council's Cranbrook
Local Plan

Inspector's Stage 2 Questions

On Behalf of Stuart Partners Ltd

Land to the West of Gribble Lane Grange Expansion Area

30 September 2020

McMurdo LPD Ltd
The Basement Office
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1. Introduction and Summary of Our Client's Position

Background

- 1.1. McMurdo LPD Ltd ("McMurdo") acts for *Stuart Partners Ltd* ('client'), who controls *Land to the West of Gribble Lane* in (CB5) the *Grange Expansion Area* of the Cranbrook Local Plan.
- 1.2. The Council know that our client is a well-known landowner and developer with a proven track record of delivering high quality strategic development projects, including residential and commercial developments with significant elements of green infrastructure and SANGS, ultimately creating homes, jobs, wealth and prosperity for East Devon and its sub region.

Cranbrook Masterplan

1.3. Our client:

- **supports** the proposed allocation of their land comprising residential development and associated open space and green infrastructure, including Suitable Alternative Natural Green Space (SANGS) and is fully committed to making their land available for the proposed uses in short timescales; importantly they can deliver the objectives of The Cranbrook Local Plan and the land uses identified in the papers without reliance on third parties.
- **supports** the relevant policy wording which states that an equalisation of costs (as far as possible; *please see below) needs to be achieved across the parcels to make sure that development can proceed at market pace.
- **supports** the overarching framework for the principles of development, which means that applications which comply with it should be approved without delay. (A "roof-tax" approach to planning obligations is appropriate whether there are agreed comprehensive development and phasing plans in place or not).
- **supports** the proposed zero CIL rate and 15% affordable housing requirements.

1.4. However, our client:

- whilst supporting the allocation in principle, **objects** to the proposed built up area boundary of the Grange Expansion Area and does not agree with the Council's conclusion that the natural drop in ground levels to the south of the Grange Expansion Area acts as a natural boundary to development and would restrict the further expansion of Cranbrook in this direction; instead, backed by detailed consultancy input (including photomontages attached as Appendix 1), our client understands that this area of land has some development potential if developed sensitively and has respectfully *asked*

that the Cranbrook Masterplan boundary is either indicative only or altered to accommodate their significantly better option as proposed in their submitted application (East Devon District Council Reference 19/1798/MOUT).

- **objects** to strict phasing controls and has respectfully *asked that words attempting to strictly control phasing be removed from the policies in the Plan and replaced with words encouraging pliable (e.g. “roof-tax”) approaches to planning obligations and the delivery of expansion area and allocation wide infrastructure.*

Outline Planning Application

- 1.5. Our client has submitted an outline planning application for up to 200 dwellings in the CB5 Grange Expansion Area. For solid technical reasons, it does not fully comply with the proposed built up area boundary.
- 1.6. The main differences between their application layout and the Cranbrook Masterplan layout are:
 - the Cranbrook Masterplan Layout shows C 200 houses obliterating ancient trees in a parkland setting and delivering C 5 Ha of SANGS and no internal open spaces;
 - they show C 200 houses retaining ancient trees in a parkland setting, delivering C 5Ha of SANGS and C 7Ha of quality internal open spaces just outside of the proposed boundary but without any harm whatsoever.

SANGS

- 1.7. Upon submission of the application and following a meeting with Council Officers we were asked to make a small change to the layout to ensure that the proposed SANGS links with and flows into the other SANGS proposed as part of the Cranbrook Masterplan, strongly implying that Officers agree that this approach, which is underpinned by far greater technical detail than that gathered by the Council, is better than the high level approach as outlined in the Masterplan.
- 1.8. Photomontages (attached as Appendix 1) show:
 - how the Council’s conclusion that the natural drop in ground levels to the south of the Grange Expansion Area acts as a natural boundary to development and would restrict the further expansion of Cranbrook in this direction, is wrong.
 - how this part of our client’s parcel can be developed without harm (including to heritage and landscape assets);
 - why our client is respectfully asking that the Cranbrook Masterplan boundary is either indicative only or altered to accommodate their significantly better option as proposed in their submitted application (East Devon District Council Reference 19/1798/MOUT).

Summary of Our Client's Position and Suggested Changes to the Plan

1.9. Briefly, our client's position is that they:

- Respectfully suggest that the Cranbrook Masterplan built up area boundary (BUAB) should be indicative only to, for example, accommodate the significantly better option as proposed in submitted application East Devon District Council Reference 19/1798/MOUT (Fixing a BUAB in policy in a new town context is onerously restrictive and results in poor strategic development solutions, largely because detailed study work follows the higher tier work that lies behind a strategic allocation).
- Respectfully suggest that words attempting to strictly control phasing should be removed from the policies in the Plan (because they undermine viability and deliverability).
- Fully endorse transparent and pliable (e.g. "roof-tax") approaches to planning obligations and the delivery of expansion area and allocation wide infrastructure (because such approaches support viability and deliverability).

2. Response to Inspector's Stage 2 Questions

Viability

AQ10. The Council sets out its position on equalisation at paragraphs 12.1 to 12.5 of their response to my earlier questions. Representors have previously argued that equalisation should not apply to all IDP entries. On what basis, legal or otherwise, should equalisation not apply to the abnormal costs listed?

- 2.1 Reiterating, it is our client's position that abnormal costs should not be included in the IDP, hence, should not be equalised, *unless it can be demonstrated that their inclusion in the IDP (triggering equalisation, in this instance), is absolutely vital to the viability (and deliverability) of the proposed strategic allocation as a whole. (In such instances it would be appropriate to include the abnormal costs in an IDP and those abnormal costs should be equalised).
- 2.2 In a nutshell, land with abnormal costs should trade for less than land with no abnormal costs. The landowner (and/or developer) in control of the land cannot be allowed to burden other "normal" land with their abnormal costs in order to prop up their land value. (*Except when it is unequivocally demonstrated that the circumstances are exceptional as outlined above).

AQ11. If items were to be removed from the equalisation equation what are they and what impact would that have on the viability of different expansion areas?

- 2.3 The obvious cost that should come under scrutiny is the undergrounding of pylons.
- 2.4 On the face of it, if this cost was removed from the equalisation equation it would have absolutely no impact on the viability of the land tranches affected, different expansion areas or the strategic allocation as a whole; instead the landowners' land value and/or the developers' profit should decrease to take account of the abnormal costs relating to the affected tranches of land.

General questions

AQ16. Are there any other matters which are critical either individually or cumulatively to the issue of viability of the expansion allocations?

Education

- 2.5 Reflected in the IDP, it is Devon County Council's position, as the Education Authority, that a primary school must be built and operational before a house is occupied which

would significantly impact on early development cash flows, undermining viability of the expansion areas from the off.

- 2.6 Such an approach would also be contrary to Government guidance and lacks common sense because the built school would either have no (or few) pupils and/or would be filled by pupils from outside the expansion areas that it is planned to serve.
- 2.7 Schools should be phased with other infrastructure (as per Government guidance).

Phasing, “roof-tax” and Viability

- 2.8 Words attempting to strictly control phasing should be removed from the Plan and replaced with words encouraging transparent and pliable (e.g. “roof-tax”) approaches to planning obligations and the delivery of expansion area and allocation wide infrastructure, because the main purpose of a “roof-tax” approach on strategic allocations is to allow sites which have no site wide and/or expansion area infrastructure on them to come forward to deliver housing whilst contributing to such infrastructure in a fair and open way, improving development cash flows at the macro scale, consequently overall viability, throughout the development cycle.

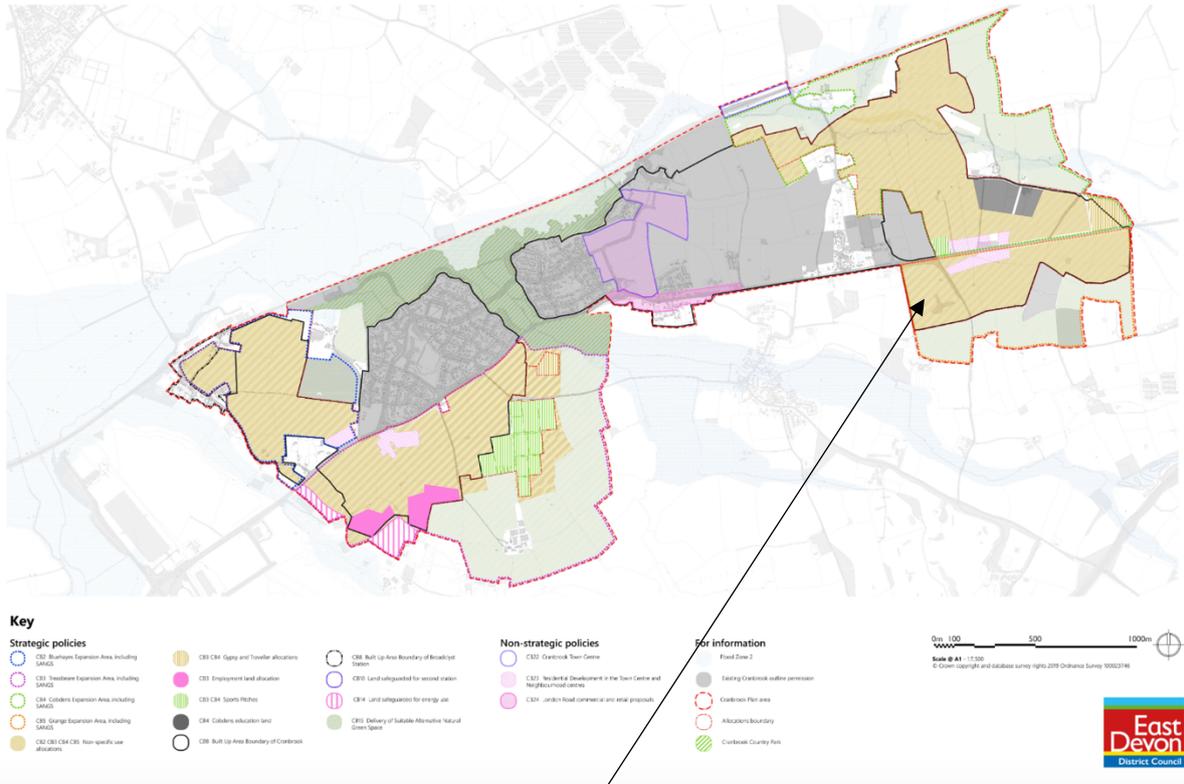
James McMurdo MRTPI MRICS

Director

For Stuart Partners Ltd

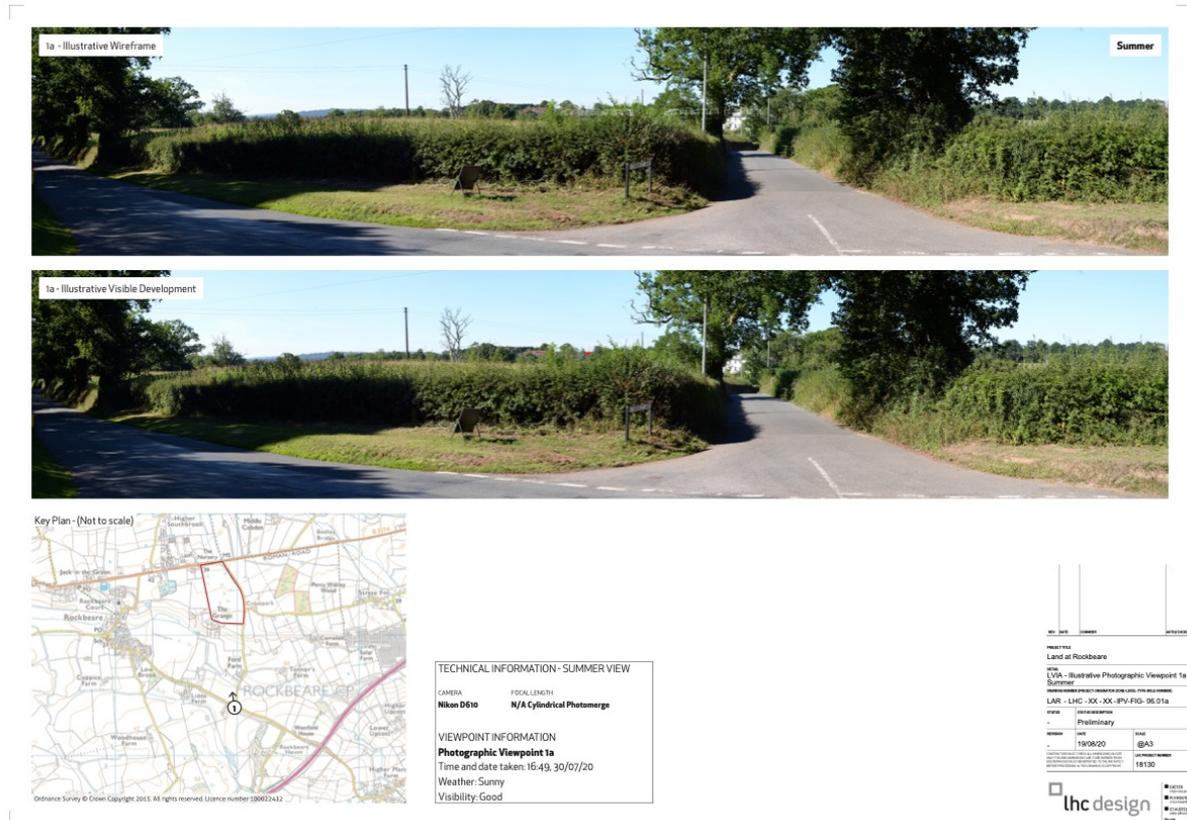
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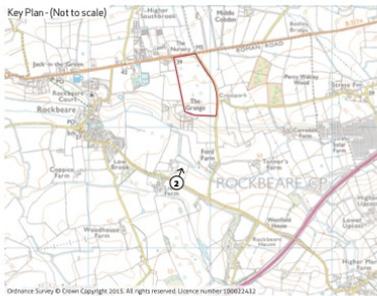
Cranbrook Plan - Policies Map



Site
URN 147;
EDDC Application Reference No 19/1798

Appendix 1 Photomontages



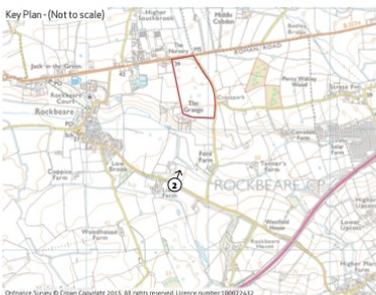


TECHNICAL INFORMATION - SUMMER VIEW

CAMERA: Nikon D610
FOCAL LENGTH: N/A Cylindrical Photomerge

VIEWPOINT INFORMATION
Photographic Viewpoint 2a
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 Weather: Sunny
 Visibility: Good

REV	DATE	REVISION
PROJECT TITLE		
Land at Rockbeare		
DRAWING		
LVA - Illustrative Photographic Viewpoint 2a		
Summer		
DRAWING NUMBER		
LAR - LHC - XX - XX - IPV-FIG- 06.02a		
DATE		
Preliminary		
SCALE	DATE	BY
1:5000/20	30/07/20	GH3
DRAWN BY		CHECKED BY
18130		18130



TECHNICAL INFORMATION - WINTER VIEW

CAMERA: Nikon D90
FOCAL LENGTH: N/A Cylindrical Photomerge

VIEWPOINT INFORMATION
Photographic Viewpoint 2b
 Time and date taken: 13:29, 30/11/18
 Weather: Fair
 Visibility: Good

REV	DATE	REVISION
PROJECT TITLE		
Land at Rockbeare		
DRAWING		
LVA - Illustrative Photographic Viewpoint 2b		
Winter		
PROJECT NUMBER		
LAR - LHC - XX - XX - IPV-FIG- 06.02b		
DRAWN		
Preliminary		
DATE	BY	APP'D
19/08/20	@/3	
PROJECT NUMBER		18130
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