

Planning Policy Team
East Devon District Council

By email to: planningpolicy@eastdevon.gov.uk

13th January 2023

Dear Sir/ Madam,

East Devon Local Plan 2020 – 2040 – Preferred Options Regulation 18 Consultation Draft

We write in relation to the above, to set out our comments on the consultation documents which comprise:

- Draft East Devon Local Plan 2020-2040; and
- Sustainability Appraisal Report.

We have also had regard to the Local Plan Evidence Base and Supporting Documents which are available on the Council's website.

Baker Estates is an award-winning regional housebuilder, based in Newton Abbot, with a reputation for delivering high-quality homes, bespoke to their setting. Founded in 2015, we now employ over 70 people and currently have 9 active sites across Devon and Cornwall. Up to 350 local subcontractors are working each day across our sites that are currently under construction.

We have previously provided comments to earlier consultations in respect of this Local Plan Review, as well as the (now adopted) Cranbrook Local Plan, relation to our land interests at Honiton (Hayne Farm), Seaton (Harepath Road) and Cranbrook (part of The Grange area).

We are supportive of the Council's proposals to review the Local Plan, to ensure that it remains up to date and consistent with national policy (in accordance with paragraph 33 of the National Planning Policy Framework ('the Framework'), July 2021).

For the plan to be found sound, it must meet with the key tests set out in paragraph 35 of the Framework, which states plans must be:

- Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and consistent with achieving sustainable development.
- Justified** – set an appropriate strategy, taking into account the reasonable alternatives, and based on appropriate evidence.
- Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Taking into account the above tests set out in paragraph 35 of the NPPF, we wish to comment on the documents as follows:



Draft Local Plan

l strategy

We are supportive of the overarching spatial strategy expressed in Strategic Policy 1, which seeks to promote a sustainable pattern of development by focusing major/ significant development towards the west of the District (including Cranbrook) and at the principle/ main centres, including Honiton and Seaton, followed by the Local Centres. These settlements are recognised as the most sustainable locations in the District which have the greatest range of jobs, services and community facilities and which provide opportunities to limit the need to travel and offer a choice of transport modes.

Strategic Policies 2 and 3 (Housing distribution/ levels of future housing development) – We support the calculation of local housing need based on the Government’s standard method. The National Planning Policy Framework (2021) is clear that the objectively assessed needs for housing should be met in full unless development is specifically restricted (such as due to protected areas or assets of particular importance/ building densities would be significantly out of character with the area). There are no changes proposed to the standard method as part of the Government’s current NPPF consultation process and the Government has stated that it remains committed to delivering 300,000 homes per year by the mid-2020s and that the overall aim of authorities should be to meet as much housing as possible with an appropriate mix of housing types to meet the needs of communities.

With regards to housing distribution and figures proposed for individual settlements, the allocation figure for Cranbrook reflects the recently adopted Development Plan Document, and has already been considered sound by an Inspector. In respect of the figures for other settlements, there would be scope for additional development at both Seaton and Colyton, as we will outline later in this submission.

Chapter 6 Strategy for development

Strategic Policy 21 – Honiton

We support the allocation of land at Hayne Farm, Hayne Lane (Gitti_06) a small-scale residential development. This site sits directly adjacent to the approved development at Hayne Farm (which is situated to the north and is currently under construction) and has been supported by Gittisham Parish Council. The site would form a logical continuation of development, with vehicular access able to be provided from the adjoining site to the north, which in itself is accessed via Hayne Lane towards the east of the site.

The allocation should however be amended to refer to about 36 dwellings, rather than 31.

An outline planning application (ref. 22/1322/MOUT) has been advanced for the site and is currently in the process of being considered by the Council. The site would be able to be delivered early in the plan period, with the benefit of continuity from the existing development.

Strategic Policy 23 – Seaton

We support the proposed allocation of land off Harepath Road (Seat_05), for residential/ employment uses.

The land suitable for employment use is located in the field immediately north of the existing Harepath Road Industrial Estate, to the south of land which we control and is proposed to be allocated for residential development for in the order of 100 dwellings.

The site is capable of accommodating a slightly higher level of residential development than is currently set out in the policy, including appropriate ecology buffers which will ensure that the proposed development does not have an adverse impact on the Beer Quarry and Caves SAC. We have advanced an application for the residential area of the allocation, which shows that the site is suitable to accommodate circa 130 dwellings, to the east of Harepath Road. The allocation should therefore be amended to refer to about 130 dwellings accordingly.

An outline application has recently been submitted for this site and would be able to be delivered early in the plan period.

We also support the allocation of land south of Harepath Hill (west of Harepath Road, ref. Seat_03), which is also suitable for residential development (around 70 dwellings, as acknowledged in the draft plan) and recreational use.



Strategic Policy 25 Development at Local Centres

We support the recognition of Colyton as a local centre. Outside of the existing main towns, it is one of the largest [REDACTED] has a range of facilities including convenience stores, GP, community hall, library, pubs and

In comparison to the other identified local centres, a smaller amount of development is proposed to be allocated at Colyton, however no explanation has been provided as to why this is the case. Colyton is larger than a number of the other local centres and has a wide number of local services, and this therefore appears disproportionate.

Additional land is available for development at Colyton (HELAA site ref. Coly_03) which would also be suitable for a small-scale residential development. This site was assessed by the Council in the HELAA as suitable and achievable, with no key constraints. It is not clear why it has not been identified as a site for allocation. This land is under BE control and we have a track record of delivering high quality development and engaging positively with local communities. The Council could be confident in allocating the site for development would be delivered and to a high standard.

Strategic Policy 26 Development at Service Villages

It is unclear from the Plan (and the Role and Function of Settlements report, which has been prepared as an evidence base document), why Colyford has not been identified as a service village, whilst other smaller settlements have been (e.g. Tipton St John, Sidbury and Branscombe). The village is situated in close proximity to both Seaton and Colyton and is identified by the Council as having a good number of jobs available to residents and services including convenience store, post office, community hall, pubs, sports playing pitch and a regular bus service providing links to Seaton, Colyton, Beer, Musbury and Axminster.

Land is available for development at Colyford (ref. Coly_07, to the north, and Coly_05, to the south), which is within BE control and as set out above, the Council could have confidence in their delivery. Clearly the development of the full extent of these sites would be disproportionate to the size of the settlement. However, parts of both sites would be suitable for smaller-scale development adjacent to the existing built-up area and should be reassessed by the Council. Development on these sites could provide much needed affordable as well as open market housing, to meet local need, as well as areas of open space for public benefit, and would not undermine the green wedge.

Chapter 7 Tackling the climate emergency and responding to climate change

Paragraph 7.2 and Draft Policy 27 refer to the LPA's target to become carbon neutral by 2040. It is the Central Government's target for this to be achieved by 2050. This policy is not therefore consistent with national policy.

Draft Policy 27 (Climate Emergency) (as well as other draft policies in the Plan) makes reference to 'maximising' (in this case) opportunities for the delivery of renewable energy, district heating networks, zero-carbon energy and energy storage facilities. It is unclear what 'maximising' means, and how this can be secured and balanced alongside other policy aspirations. It would be more appropriate to use the term 'optimise'.

Draft Policy 28 (Net-Zero Carbon Development) states that all new residential and commercial development "will deliver" net-zero carbon emissions but does not explain what this means or when/ how this will be achieved. Cranbrook, which is served by a district heating network, is still some way from achieving this target.

The draft policy refers to homes being 'future proofed' to avoid temperature discomfort as a result of rising temperatures. Part O of the Building Regulations already covers this and it is not therefore necessary to duplicate these requirements through planning policy.

Paragraph 2.6 refers to a 'performance gap' between design and actual performance and suggests one possible way to address this is to require energy performance/ carbon emissions data to the LPA for a period of 5 years. This is completely impractical. Once ownership of property changes hands, there is no sensible way of measuring CO2 emissions and hence this is not enforceable.

Figure 8 (The Energy Hierarchy) refers to offsite measures, whereby finance could be provided towards off-site carbon reduction where onsite measures are impractical. Would the LPA be setting up a scheme for this? Otherwise, it is unclear how this would work in practice.

Draft Policy 34 (Embodied Carbon) refers to the retention of 'at least' the foundations of existing buildings, to help reduce embodied carbon. Often it is the foundations themselves that are the issue. Foundations of older properties wouldn't be acceptable for modern building regulations. The policy should be amended to just simply refer to "retain existing buildings... unless it can be demonstrated that refurbishment is either unviable or impractical."



Addressing housing needs for all

In the comment above, *Draft Policy 39 (Housing to address needs)* also refers to 'maximising' the delivery of affordable housing, but it is unclear what this means, having regards to other factors. Optimising would again in our view, be a more appropriate reference.

Draft Policy 40 (Affordable Housing) proposes for 'at least' 35% affordable housing to be provided within the 'rest of East Devon' area (excluding Cranbrook and existing commitments). This level is substantially above the current 25% policy level in the adopted Local Plan for the main towns. The CIL rates applicable across the District, has quite recently been set based on the current Local Plan policy level.

No viability assessment has been published to justify the uplift proposed. The lack of viability information is a significant omission in the evidence base to the plan, which must be provided to ensure that policies are realistic and that the total cost of policies will not make the plan undeliverable. The draft policy does not therefore meet the tests of soundness, set out in paragraph 35 of the Framework, as it has not been appropriately justified and not consistent with national policy.

The tenure mix set out in Table 1 of the draft policy includes a substantial proportion of first homes, well in excess of the proportion of these types of units indicated by the Government. In our experience, selling discount open market units is extremely challenging. These types of units still require occupiers to have a substantial deposit, but also to meet specific eligibility criteria.

Paragraph 2 (a) of the draft policy indicates that affordable housing/ CIL will be sought from any development involving self-contained accommodation, including C2 uses. However, paragraph 2 (c) suggests that specialist accommodation for older persons would be exempt. We would question whether it is appropriate/ proportionate for C2/ 'specialist' accommodation to contribute towards affordable housing/ CIL, given that these types of uses are not conventional 'dwellings', providing care and wider facilities, designed to meet the needs of occupants.

It is difficult to provide further comments on the draft policy without the benefit of a viability assessment.

Draft Policy 42 (Accessible and Adaptable Housing) goes significantly beyond the requirements of Building Regulations Part M and consultation changes. Part M4(2) and M4(3) are not mandatory. The Government has undertaken a regulatory costs impact assessment in respect of changes to Building Regulations, however such an assessment does not appear to have been undertaken to support the draft policy by the Council. The proposed draft policy would have substantial cost implications which need to be robustly tested. Insufficient justification has been presented in support of the policy and it is not consistent with national policy.

It is notable that paragraph 8.44 of the draft Local Plan refers to the Local Housing Needs Assessment (LHNA) 2022 which indicates that the Council consider a target of 15% affordable housing for rent, and 10% open market units, to be provided as M4(3) compliant, subject to viability. This is not reflected in the wording of the draft policy.

Draft Policy 43 (Market housing mix) seeks for development to provide for a range of property sizes, based on up-to-date evidence. Whilst we broadly support this objective, the policy should avoid being overly prescriptive, in order to ensure that development can respond to local market conditions, local character and setting.

The Housing Market Needs Assessment (HMNA, 2022) is only one document which provides a high level, District-wide indication of housing need. In considering an appropriate mix for a site, regard should also be given to local evidence (e.g. up-to-date ONS data, local housing assessments) as well as site specific considerations, to ensure that development is delivered which is appropriate to its context- a housing mix that may be appropriate in one part of the District (e.g. in a town centre location) may differ considerably to that which would be suitable elsewhere.

It needs to be borne in mind that new housing does not cater solely for the net growth in households, but rather provides a mechanism for people to move around within the market, freeing up properties along the housing ladder. For example, a family currently living in a 2-3 bedroom house, might move to a new 4-bed home, freeing up their existing property for a newly forming couple household. Through this, new housing can also help to address overcrowding issues in local areas, where such households are limited in their ability to upsize.

Reference should also be made in the draft policy to 'demand'. This is particularly the case in the consideration of open market housing, whereby households are free to occupy housing in accordance with what they want and can afford. In this context, whilst housing need looks solely at the size and form of households, housing demand reflects the reality that main people will express a demand for a property that is larger than they specifically need.



The policy should also make reference to the trend towards home working, which can, in part, account for the under-occupancy of properties. There is a widespread expectation that the working practices stemming from the [redacted] will lead to a structural shift, with fewer people working from offices full time, are more from home on a part-time (if not full time) basis. Home working typically increases with age, and as the ageing population is likely to lead to further increases in home working, particularly as changes in the state retirement age result in a greater number of older people still in employment. Increases in the number of people working from home will likely translate into a demand for housing which provides additional space e.g. spare room or garage, for use as an office, which is a key aspect of separating work and home life.

1 bed market housing is for this reason not typically desirable or viable to provide. The 1/ 2 bedroom figures referred to in the table at paragraph 3 of the draft policy should hence be combined on this basis. Paragraph 4 should give recognition to the above considerations to be taken into account in the consideration of open market mix.

The HMNA (2022) does not consider the need specifically for bungalows, which can play an important role in meeting the needs of all age groups, including older households and those with specialist needs. Given the greater ease of maintenance for these types of properties, they offer the potential to retain for occupants to retain their independence for longer. The policy should make reference to different types of accommodation (not just sizes/tenure of accommodation), and specifically bungalows, to account for the different roles they play within the housing market.

It is unclear what paragraph 5 of the draft policy (which refers to 'market conditions evidence demonstrating lack of marketability') would require in practice, and in what circumstances, given that the policy accepts the need for flexibility to account for a range of considerations (set out in paragraph 4). This aspect of the policy should therefore be omitted.

Draft Policy 44 (Self and Custom Build Housing) - Part c suggests that custom and self-build plots should be made available for sale before 50% of the dwellings on the site have been completed. This would simply not be possible as there would be significant health and safety concerns with enabling access to plots within an active construction site.

No regulatory cost impact assessment has been submitted in relation to this policy requirement, to consider its impact on development viability. It is specifically stated in paragraph 8.62 that one of the reasons for putting forward such a requirement is to not enable development to make a profit. A cost assessment is critical to understanding impact on overall viability.

Chapter 10 Designing beautiful and healthy spaces and buildings

Draft Policy 62 - Design and Local Distinctiveness - It is unclear what is meant by 'identify opportunities for design that minimises risk associated with climate change'. This should be re-worded.

Draft Policy 63 - Housing Density and Efficient Use of Land - indicates that all major development schemes (which by definition includes any development for more than 10 homes) would need to be accompanied by a Design Code. This seems overly onerous for smaller scale sites. The policy should therefore be re-considered, and a greater threshold included.

Chapter 13

Draft Policies 84 and 87 refer to the suitable biodiversity net gain provision of 'at least 20%'. This is well beyond the 10% net gain level that has been set by the Government through the Environment Bill, which seeks development to deliver at least a 10% net gain.

The 10% national figure was the subject of a regulatory cost impact assessment which concluded that the net cost to business each year will be £170.7M (2016 prices). The net gain delivery costs were identified to result in a central estimated cost of £998 per home constructed in the south-west (Table 16 of the Government Impact Assessment, 2017 prices for greenfield residential development). Clearly 20% BNG will be a doubling (at least) of this figure.

No cost impact assessment has been provided by the Council which has considered the impact of the draft policies on development viability. Insufficient justification has therefore been provided and we have concerns regarding the effectiveness and deliverability of the draft policies., which are not consistent with national policy.

Thank you for the opportunity of commenting. We trust these comments will be taken into account and we would like to be kept informed of progress with the Plan.



Yours faithfully,



Nicole Stacey
Planning Director