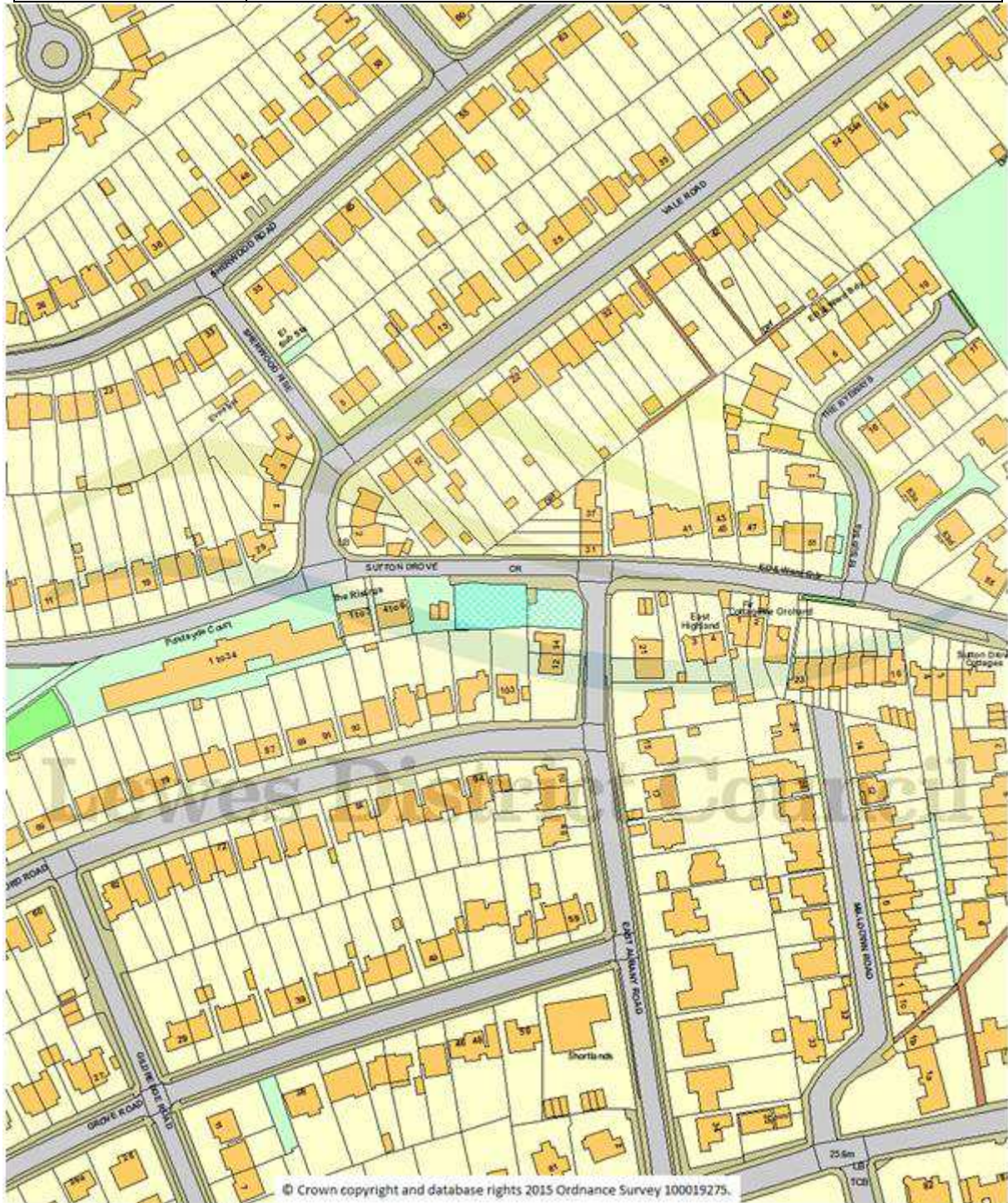


<b>APPLICATION NUMBER:</b>	LW/16/0037	<b>ITEM NUMBER:</b>	<b>8</b>
<b>APPLICANTS NAME(S):</b>	Coastside Homes Ltd	<b>PARISH / WARD:</b>	Seaford / Seaford Central
<b>PROPOSAL:</b>	Planning Application for erection of 12 x 2 bedroom flats with associated landscaping and parking		
<b>SITE ADDRESS:</b>	Land On The South Side Of Sutton Drive Seaford East Sussex		
<b>GRID REF:</b>	TQ4895		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The site is located on the corner of East Albany Road and Sutton Drove in Seaford. The levels rise steeply in a west to easterly direction and in a southerly direction from the north.

1.2 The application plot is a rectangular site with its length orientated in an east west direction. There are houses adjoining the site to the south (rear) in Stafford Road, and East Albany Road, and flatted development (The Risings, Sutton Drove) to the west. The site area totals 0.07 ha.

1.3 This is a full application proposing the construction of twelve x two bedroom flats. Earlier permissions under LW/06/0842 and LW/09/1082 for six x two bedroom flats and associated parking have lapsed.

1.4 The proposed development under the current application seeks permission for a three storey building (as a single block) with shallow pitched roof. Twelve parking spaces would be provided along the frontage of the site to be accessed off Sutton Drove. Due to the limited depth of the site, some amenity space and planting will be provided at either end of the development and at the front within the centre of the plot.

1.5 The development would be finished in facing brickwork and render below a tiled pitched roof.

1.6 This application is being presented to Members at the Planning Applications Committee because the scheme has been appraised on two separate occasions by the District Valuer (DV) who has concluded that the development of 40% affordable housing is not viable on this site. The more recent viability assessment (October 2017), which is an addendum to the DV's draft assessment (May 2017) was made following the agent disputing their differences of the sales rates of the units and construction costs. On behalf of the applicant, the agent did not agree that the scheme could viably accommodate 25% affordable housing or three units.

1.7 As such, this application proposing twelve x two bedroom flats, is being recommended for approval without any affordable housing provision and is therefore contrary to planning policy CP1 of the Joint Core Strategy.

## 2. RELEVANT POLICIES

**LDLP: – ST03 – Design, Form and Setting of Development**

**LDLP: – CP1 – Affordable Housing**

**LDLP: – CP11 – Built and Historic Environment & Design**

**LDLP: – CP2 – Housing Type, Mix and Density**

## 3. PLANNING HISTORY

**LW/06/0842** - Erection of six x two bedroom flats & associated parking (resubmission of LW/05/0510) - **Approved**

**LW/09/1082** - Renewal of planning permission LW/06/0842 for the erection of six x two bedroom flats and associated parking - **Approved**

**LW/05/0510** - Erection of six self-contained flats in single block and associated parking (resubmission of LW/04/0466) - **Refused**

**LW/04/0466** - Erection of six self-contained flats in single block and associated parking - **Refused**

**LW/95/0559** - Erection of six self contained two bedroom flats with parking provision on site - **Approved**

**LW/94/0165** - Renewal of LW/88/1641 for the erection of six self-contained two bedroom flats with parking provision. - **Refused**

**LW/11/0240** - Erection of 3 x two bedroomed self contained flats - **Refused**

**LW/11/0648** - Erection of three storey building with 3 self contained two bedroom flats, 4 car parking bays, 3 covered and secure cycle stores and 3 solid waste storage units - **Approved**

**LW/15/0859** - Erection of 2 x three bedroom semi-detached houses together with parking and footpath - **Approved**

**LW/16/0037** - Erection of 12 x 2 bedroom flats with associated landscaping and parking -

**LW/16/0893/CD** - Discharge of condition 2 relating to planning approval LW/15/0859 -

**LW/16/0981/CD** - Discharge of condition 3 relating to planning approval LW/15/0859 - **Approved**

**LW/17/0309** - Erection of three 2 bedroom flats with parking - **Approved**

**LW/17/0638/CD** - Discharge of conditions 1-10 relating to planning approval LW/17/0309 - **Split**

**S/71/0407** - Planning and Building Regulations application for three lock-up garages rear garden of 99 Stafford Road (frontage of Sutton Drive).  
Building Regs Approved. - **Approved**

**LW/90/0036** - Outline application for the erection of a block of three one-bedroom flats - **Approved**

**LW/03/0320** - Approval of reserved matters LW/00/0090L for the erection of a block of three self-contained two bedroom flats - **Approved**

**LW/00/0090** - Outline application for the erection of a block of three one bedroom flats with associated car parking - **Approved**

**APPEAL/05/0510** - Erection of six self-contained flats in single block and associated parking (resubmission of LW/04/0466). - **Dismissed**

#### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**4.1 Seaford Town Council** – No objection.

**4.2 British Telecom** – No comment.

**4.3 Environmental Health** – Recommends conditions in relation to contamination. Recent aerial imagery indicates the proposed development is being constructed on the site of a former domestic garage structure. As such there is potential that fuel/lubricants or other materials stored in the garage may have leaked and impacted the site.

**4.4 ESCC Highways** – After revisions to the application the Highway Authority withdrew their original objection and now recommends conditions and a S278 to be secured in a S106 Agreement for the provision of a 2m footway access.

**4.5 Natural England** – The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

**4.6 ESCC SUDS** – Requests that appropriate investigations be carried out to show that infiltration would be feasible at this location without increasing flood risk.

A condition is recommended for the applicant to submit a surface water drainage strategy.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

Two letters of objection have been received from the occupants of 14 East Albany Road. Their concerns have been summarised as follows:

- The development site encroaches onto land (and a historic right of way) within the ownership of the occupants of 14 East Albany Road.
- Insufficient information. Details for construction of a retaining wall along the boundary shared with 14 East Albany Road have not been given.
- Lack of parking on site will increase the need for on street parking in surrounding roads which will create congestion and restrict the free flow of traffic prejudicial to highway safety.
- Increased surface water run off could result in the flooding of surrounding gardens.
- Noise and disturbance.
- Overdevelopment due to height, building mass and site coverage.
- Overbearing structure due to height, scale and proximity which will be oppressive in the outlook from adjoining property.
- The design is out of character with the style of existing development within the vicinity.

## 6. PLANNING CONSIDERATIONS

6.1 The main issues for consideration are impact on the character and appearance of the area, impact on the amenities for the occupants of adjoining properties, parking, access and affordable housing.

### Principle

6.2 As mentioned above planning history exists on this site (LW/06/0842 and LW/09/1082) which establishes the principle of residential development. The scheme has also been subject to consultation with the Planning Authority and it was advised that any development proposal should seek to produce a comprehensive development by working with adjoining landowners. For the purposes of planning policy the site is located within a built up residential area within the planning boundary as defined in the Local Plan. It is also situated within a sustainable location within walking distance of the town centre and is accessible to public transport.

### Character and appearance

6.3 There are three storey purpose built flatted developments existing to the western side of the application site. The design of the proposed scheme is very similar to that which exists at 1-34 Pondsye Court which also has a shallow pitched roof and spans the full width of a rectangular plot fronting onto Sutton Drove. This building has also been designed as a single block with its principal elevation facing onto Sutton Drove. It would be finished in facing brickwork and render below the pitched roofs.

6.4 The building would be set back from the road frontage behind a landscaped area which facilitates parking. This is considered to be in keeping with existing development within the immediate vicinity. In this respect the proposed development would not detract or materially harm the street scene and general character and appearance of the locality.

### Neighbouring properties

6.5 There are no windows proposed above ground level in the west or southern (rear) elevations of the building that adjoin boundaries with other residential properties. As such, it is considered that there would be no material harm caused by reason of loss of privacy and overlooking for the occupants of these properties to the south and western borders.

6.6 The application site is lower than the land of the dwellings adjoining the site to the south. The scale and ridge height has also been kept down due to the articulated building form and shape of the staggered footprint. The elevation drawings show that the proposed ridge height would only just come above the highest point of the proposed boundary fence, which would border the site to the south. The proposed building would not therefore appear oppressive in the outlook from properties adjoining the site to the south. As such, there would be no material harm by reason of overshadowing and loss of daylight/sunlight.

### Highways

6.7 The Highway Authority at East Sussex County Council has recommended planning conditions if planning permission is to be granted. The Highway Authority has also stated that the applicant enters into a S278 legal agreement with ESCC prior to commencement of the development which would need to be secured through a S106 Agreement. This is to secure the provision of a two metre wide footway across the site frontage to connect to the existing footway in East Albany Road. This footway would also connect to the existing footway to the west to ensure pedestrian links are provided for this development.

6.8 The provision of twelve parking spaces between the building and Sutton Drove are considered to be acceptable. However, the Highway Authority has commented that the spaces would be within the limits of the highway which may result in some obstruction. The applicant would therefore need to apply for a Stopping up Order under the Town and Country Planning Act 1990.

### Affordable Housing

6.9 Core Policy 1 (Affordable Housing) of the JCS indicates that 40% affordable housing will be sought for developments of ten or more dwelling units. However, the policy also indicates that "In exceptional circumstances, the local planning authority may, at its discretion, consider accepting in lieu an off-site contribution on another suitable services site provided by the developer in the first instance or a financial contribution of broadly equivalent value....." Core Policy 1 therefore applies to the proposed development.

6.10 The scheme proposes the development of twelve units which triggers the need for 40% affordable housing, equating to five of the units being affordable.

6.11 The applicant has contested the viability in terms of developing the site if 40% affordable housing (AH) is to be provided. A development viability report prepared by Oakley Property Consultants (February 2017), was submitted on a confidential basis, given that it contains commercially sensitive financial information, and includes appendices with cost information, appraisals and market research summaries which have been assessed on behalf of the Council by the District Valuer (DV).

6.12 The economic viability of the development is tested by including all the costs of development (including an appropriate existing value for the land), and all the income generated from the development, in a financial appraisal. The outcome of the appraisal shows either a development surplus (a viable contribution) or deficit (not viable).

6.13 The DV has reviewed the applicant's assessment and is broadly in agreement with it and the benchmark value of the land. The viability appraisal has assessed the viability in terms of whether the site is developed with 40% AH compared to if it is developed on an all private basis. It concludes that 40% AH cannot be viably supported, but there would be a residual site value which is above the benchmark land value, if it were developed on an all private basis. As such, the DV also carried out an assessment to ascertain whether there would be a residual site value if the site were developed with 25% affordable housing with three of the twelve units being affordable. It was found that there was a residual site value above the BLV meaning that the site could viably provide 25% affordable housing and still return a reasonable profit to the applicant.

6.14 However, the Oakley Properties (on behalf of the applicants) have contested this, disputing two issues which are development timescale and construction costs. Oakleys have made the following comments;

"Development Timescale - There are few new developments in Seaford to draw comparison with, which is agreed between the parties. Essentially, Seaford serves the very mature market and the market for first time buyers, to which this scheme is directed, is very limited. This is the main reason Seaford has seen little development, because of developers having more limited confidence in the locality, when compared to towns closer to Brighton & Hove where there is a more established market. We have considerable experience of selling new homes schemes into the market. At present, since Brexit and the retreat from the market of investors because of Stamp Duty, the off plan market is non-existent. As such, we disagree that it is appropriate to assume all of these flats can be sold in 6 months and we consider our approach of 9 months is much more realistic. Indeed, since reporting the market has further stalled and in hindsight 12 months would have been more appropriate. This scheme faces north and is in a fairly off pitch location, selling the units will be a challenge. Therefore, I consider the sales period should be switched back to 9 months.

"Construction Costs - It is recognised that the BCIS (Building Cost Information Service) is not an accurate method of assessing build costs. Financial viability in planning RICS Professional Guidance, England (1st edition (GN 94/2012)) is regarded as being the most appropriate guidance in viability in planning and specifically includes advice regarding the use of build costs at paragraph 4.2.2:

"4.2.2 It is common practice for the practitioner to rely upon and form opinions in respect of various components of a viability assessment; for example, it may be appropriate that build cost information is prepared by a quantity surveyor (QS).

This may be essential for nonstandard developments and complex schemes where to adopt build costs quoted by the BCIS may lack the level of detail and robustness required. In general, a QS input will be necessary in many instances, to ensure that the cost element of the appraisal is viewed as fully independent.

"However, I consider that adjusting the above issues back to where they should be will reduce the land value below the Benchmark Land Value of £225k, as Gareth's 25% assessment showed a value of £248,535 and will show 25% affordable is unviable. (Gareth Palmer is the District Valuer at the Valuation Office).

"The problem will be that if the scheme can only say support 1 or 2 units no provider will require them, there is already very limited RSL demand for Seaford. The flats are geared to the first time buyer market and by virtue of this and their off pitch location, will be affordable. As such, consideration should be given to accepting that this scheme cannot support affordable housing obligations."

6.15 The DV has revisited the viability assessment and produced an addendum to their draft assessment which concludes that the nine month sales period is accepted as is the amended build costs of £140 psf for which there is a narrow margin anyway between the agent and DV. The DV states that, "the Residual Land Value is £182,760 against the Benchmark Land Value of £225,000 making 25% affordable housing unviable.

6.16 The DV has not commented on the demand from registered providers as it is outside of their remit. However, the DV is of the opinion that if there is limited demand, it may be that a commuted sum is more appropriate in this location.

6.17 Therefore, while this site does not comply with policy CP1 of the JCS it is providing twelve small units as starter homes for the Seaford area and any recommendation could be made for approval subject to an offsite commuted sum being paid which would contribute towards affordable housing elsewhere. It should be noted that the developer could reduce the scheme by only two units and then the need for affordable housing would not be triggered by CP1 anyway.

### Conclusion

6.18 Therefore the proposal is considered to be acceptable and is recommended for conditional approval, subject to a S106 Agreement to secure the provision of a commuted sum to be agreed and a Section 278 Agreement in line with the requirements of the Highway Authority to provide a 2m footway to the east linking to east Albany Road.

## **7. RECOMMENDATION**

That permission be GRANTED subject to the satisfactory completion of a Section 106 to secure the provision of a commuted sum towards off-site affordable housing.

### **The application is subject to the following conditions:**

1. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to \*\*\*\* of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to \*\*\*\* of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; To enhance the general appearance of the development having regard to policies ST3 and CP11 (Joint Core Strategy) of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation or in accordance with the programme approved in writing with the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to policies ST3 and CP11 (Joint Core Strategy) of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Prior to commencement of the works details of a surface water drainage strategy should be provided and approved by the Planning Authority in liaison with East Sussex County Council and thereafter retained in perpetuity. The details should include;

1. Infiltration testing in accordance with the BRE 365 should be undertaken to show infiltration is suitable for the site. This should be supported by groundwater monitoring to get a better understanding of groundwater levels for the site.

2. A description of how the potential impacts of local flood risk sources on the proposed surface water drainage system have been considered and mitigated where necessary. This should include surface water, groundwater, sewer and ordinary watercourse flood risk.

3. Evidence that the different proposed surface water attenuation measures can be connected using a gravity connection, allowing water to be conveyed safely from each structure until it reaches the outfall.

4. A demonstration, using the relevant hydraulic calculations, of how the proposed drainage is expected to function during a critical storm for a number of rainfall events with an annual probability of 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change). These calculations should also show a "like for like" discharge from the site during the existing and proposed scenarios. The site appears to be predominantly greenfield, therefore greenfield runoff rates should be used to manage runoff from the proposed development.

5. Runoff volume from the site should be limited to the existing runoff volume. If this is not feasible, excess volume during a 1 in 100 six hour storm should be discharged at a rate of 2 l/s/ha.

6. How surface water runoff exceeding the capacity of the proposed drainage system will be managed safely.



7. Confirmation of the proposed maintenance arrangements for the surface water drainage system through the lifetime of the development.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 12.0 and 12.1].

7. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

Reason: In the interests of amenity of the locality in accordance with policies ST3 and CP11 of the Lewes District Local Plan and the Joint Core Strategy and the advice contained within the National Planning Policy Framework.

8. Prior to the commencement of construction work, a wheel cleaning facility shall be installed at the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be maintained in full and effective working order at all times and available for use throughout the period of construction works and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle shall leave the site carrying mud, dust or debris on its wheels.

Reason: In the interests of the amenity of the locality and highway safety policies ST3 and CP11 of the Lewes District Local Plan and the Joint Core Strategy and the advice contained within the National Planning Policy Framework.

9. Construction work and deliveries to the site shall be restricted to the hours of 08:00 to 18:00 Monday to Fridays and 08:30 to 13:00 on Saturdays and works/deliveries shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. The new access/forecourt shall be in the position shown on the submitted amended ground floor/site plan received on 21st June 2016 and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

11. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed forecourt/access and surface water drainage shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

12. Prior to any demolition/site clearance works commencing on site a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles, hours of operation and parking of contractors vehicles.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

13. During any form of [earthworks and/or excavations] that is/are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

14. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

15. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development

16. The access/forecourt shall not be used until the areas shown hatched green on the submitted/attached plan are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

17. This planning decision relates solely to the following plan(s):

### **INFORMATIVE(S)**

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. Due to the minor nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex Highways on 0345 60 80 193 to arrange a photographic survey and joint inspection of the local highway network.

4. In accordance with the East Sussex County Council's adopted parking standards this development proposal should be provided with at least 12 long term cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users.

5. This Authority's requirements associated with this development proposal will need to be secured through a Section 106/278 Legal Agreement between the applicant and East Sussex County Council.

6. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the County Council's Network Coordination team (0345 60 80 193).

7. In accordance with the East Sussex County Council's adopted parking guidelines this development proposal should be provided with 12 long term cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users.

**This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Floor Plan(s)	20 May 2016	GROUND AND SITE PLAN
Proposed Floor Plan(s)	21 June 2016	GROUND AND SITE PLAN
Location Plan	20 January 2016	1:1250
Proposed Block Plan	20 January 2016	1:500
Design & Access Statement	20 January 2016	JANUARY 2016
Proposed Elevation(s)	29 January 2016	PROPOSED ELEVATIONS
Proposed Section(s)	21 June 2016	GROUND FLOOR/SITE PLAN
Proposed Floor Plan(s)	29 January 2016	PROPOSED FIRST _SECOND FLOOR PLA