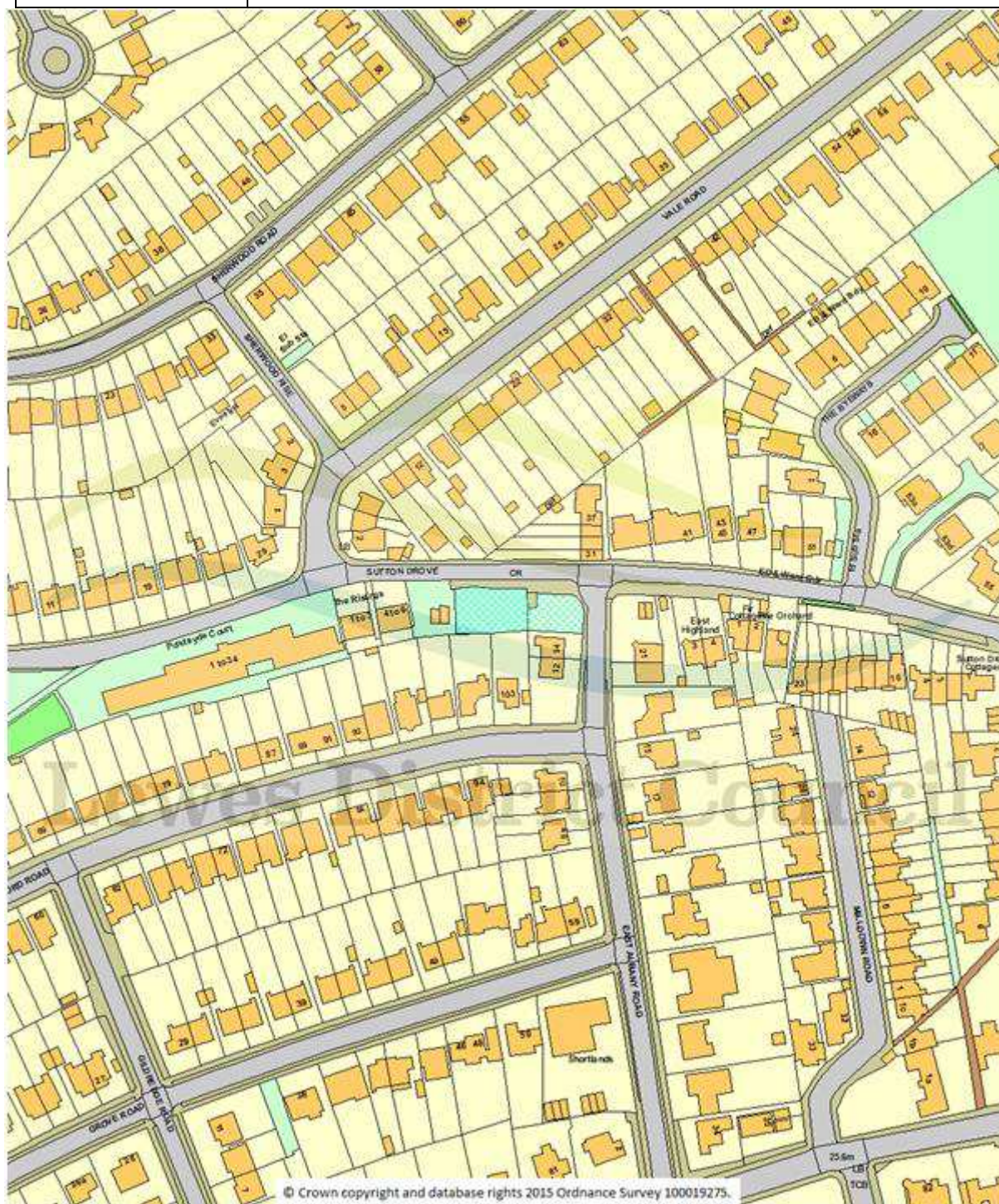


APPLICATION NUMBER:	LW/16/0037	ITEM NUMBER:	6
APPLICANTS NAME(S):	Coastside Homes Ltd	PARISH / WARD:	Seaford / Seaford Central
PROPOSAL:	Planning Application for Erection of 12 x 2 bedroom flats with associated landscaping and parking		
SITE ADDRESS:	Land On The South Side Of Sutton Drive Seaford East Sussex		
GRID REF:	TQ4895		



1. INTRODUCTION

1.1 This application is being brought back to the Planning Applications Committee meeting because it was deferred at the last meeting for further information relating to the affordable housing provision and the limited sizes of the proposed flats.

1.2 Further information has therefore been sought regarding:

- Clarification on why the position has changed, from a starting point of 40% being affordable (the policy compliant position), and
- The key factors which led to the conclusion that c£86K was considered to be an acceptable amount for the commuted sum.
- Also, having regard to the national space standards and the Technical Housing Standards – nationally described space standard (published on 27 March 2015 and amended 19 May 2016) from Ministry of Housing, Communities & Local Government.

1.3 The earlier Committee report is attached as Appendix A.

2. PLANNING CONSIDERATIONS

2.1 The issues for further consideration as highlighted above are set out in the same order below:

Affordable Housing

2.2 The original Committee report outlines that the policy compliant position, which is that the scheme proposes the development of twelve units thereby triggering the need for 40% affordable housing, equating to five of the units being affordable under Core Policy 1 (Affordable Housing) of the JCS. However, a viability appraisal carried out by Oakley Commercial Ltd has concluded that this is not viable and cannot be provided. Nor can 25% affordable housing be provided.

2.3 Following the last Committee meeting the District Valuer has been re-consulted and provided the following response;

“With regard to the forty percent we assessed a policy compliant scheme in the first instance but this site is simply not viable at 40%, I then assessed a scheme at 25% and it was still not viable. Therefore, I concluded that the only viable scheme would be 2 affordable housing units although, as discussed in my addendum report, providing onsite affordable housing on this scale may not be attractive to registered providers but that is outside of our scope to confirm.”

Commuted Sum

2.4 Policy CP1 of the JCS states that, *“The strong presumption is that affordable housing will be located on the development site. In exceptional circumstances, the local planning authority may, at its discretion, consider accepting in lieu an off site contribution”*

2.5 Post planning Committee on 31 January, the DV also confirmed that a figure of £86,000 would be appropriate to offset the provision of there being no on-site affordable housing. The DV was then asked for further clarification on how this figure was arrived at and why more couldn't be sought on the application site for this proposed development.

2.6 The DV responded as follows:

“With regard to the council’s wish to potentially negotiate a higher commuted sum from the developer our role in the process is to provide an independent assessment of the viability of the scheme..... I am confident that the sum of circa £86,000 is a fair reflection of the viability of the scheme.

With regard to how the figure is calculated, in essence the commuted sum represents the increase in profit the developer could expect from not building the affordable housing which is then returned to the council as cash.

We are looking at a low value development and the potential return to the developer as profit is only around £359,625 for a full market scheme so £86k is a significant amount.

Another way of looking at it is normally by providing affordable housing the developer will sell the affordable units at a loss to a registered provider. The social gain of an affordable housing unit is therefore not the full cost of a unit but is actually the amount of loss the developer is absorbing into the rest of the development.

In this case the development can only support 2 social housing units (circa 17% affordable housing) and the amount of loss they would have created for the developer is £86,000. Therefore that is the sum I would suggest should be the commuted sum.

In looking at the viability we have agreed that the benchmark land value for the site is £225,000 as it currently exists. The position is that if you take the total income of the new scheme and deduct all of the costs and the developers profit there should be enough money left to pay at least £225,000 for the land (the residual land value) otherwise the land is unviable. It would not be logical for the developer to take the risk of developing a site unless it would be worth more following its development.

In the full market value scenario there is £311,011 left to pay for the land after all the deductions and profit. Therefore it could support the loss of £86,000 worth of value through affordable housing once the benchmark is paid. Therefore the Payment in Lieu of these two units in terms of affordable housing is £86,000 not the full price a registered provider would pay for them.”

It should be noted that the applicant has agreed in writing to pay the £86,000 commuted sum as requested by the Council. The applicant requested that Members note that this figure “has been agreed by both the DV and Oakley Commercial – the only two experts who can realistically advise on this matter.”

Limited sizes of the proposed flats

2.7 Para 7.13 supporting policy CP1 of the JCS states that, “Any proposal that has an artificially low density as a possible measure to avoid the required thresholds for affordable housing will be scrutinised and may be refused planning permission where they fail to make efficient use of land and provide appropriate levels of affordable housing.”

2.8 It could be argued that the applicant could have reduced the number of units by 2 to avoid the provision of affordable housing and in turn increased the size of units.

However, the applicant is making the most efficient use of this site and seeks to provide for:

- *“the first time buyer market and therefore the unit sizes will be smaller to achieve this. Whilst there are two bedroom units identified, the fact that the development will not benefit from any private amenity space for residents means that it is not aimed at families and in reality it is likely that the second bedroom shown may be more used as a study/guest room by the occupants.*
- *The target market means that the entire development will be more affordable than most developments in Seaford and this should be taken into account (and indeed welcomed) when the Committee reconsiders the issue of the off-site commuted sum for affordable housing provision.”*

2.9 Notwithstanding this, policy advice has been sought on the weight that can be attributed to the Technical Housing Standards – Nationally Described Space Standard 2015 (Department for Communities and Local Government). This is in the light of earlier comments made by Members that the units proposed are limited in terms of their floorspace.

2.10 The agent contests that, “it is not District Council planning policy to apply the national space standards”. This may be the case but one of the core planning principles in the National Planning Policy Framework is to always seek to secure high quality design and a good standard of amenity for the future occupants of land and buildings.

2.11 Overall, however, while the proposed flats are of modest size, it is considered that to refuse planning permission for this reason would be unjustified and difficult to defend on appeal because the Technical Housing Standards (nationally described space standard (published on 27 March 2015 and amended 19 May 2016 from Ministry of Housing, Communities & Local Government) carry limited weight and there is no district wide policy in the adopted development plan to support this stance.

Conclusion

2.12 Therefore, as originally considered, the proposal is acceptable and is recommended for conditional approval, subject to a S106 Agreement to secure an off site contribution in lieu of affordable housing, for £86,000, 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.

3. 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 Policy ST3 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 Policy ST3 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

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).

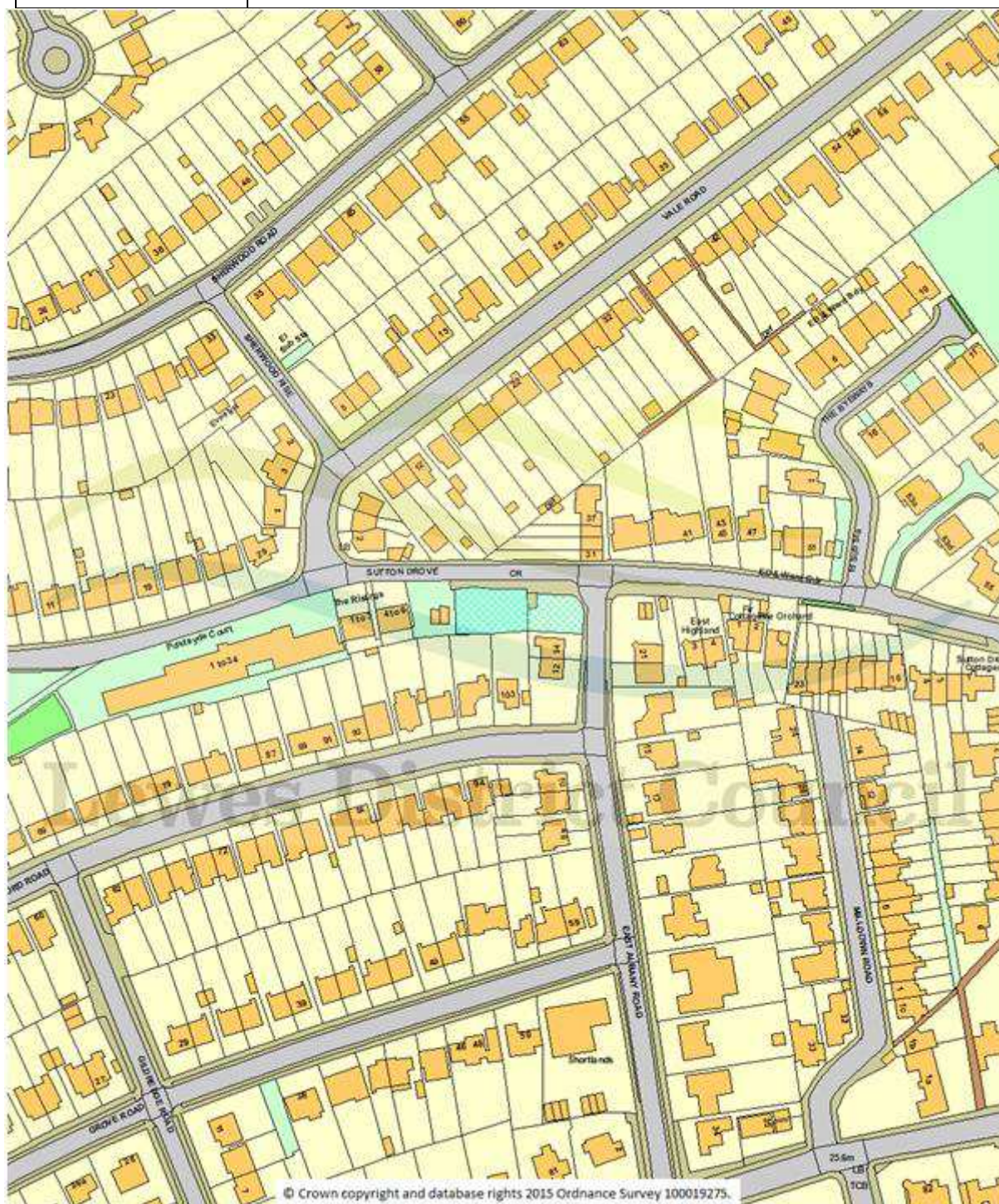
7. In accordance with the East Sussex County Council's adopted parking guidelines this development proposal should be provided with 12 long term cycle parking spaces. These parking facilities should be covered and secure and located within the site in a convenient location for users.

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

Appendix One

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



4. 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.

5. 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

6. 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 Drove).
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**

7. REPRESENTATIONS FROM STANDARD CONSULTTEES

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.

8. 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.

9. 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 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.

10. 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