

Supplementary Report to the Planning Applications Committee
on 1st November 2017

LW/16/1034
Newhaven/Newhaven Valley

Page 5

The applicant has submitted 4 x 3D CGI's (photomontages) that show aerial views of the proposed development. A model has also been submitted for the Committee presentation.

The occupants of 19 Lewes Road (Follyfield - adjoining the application site to the north), have submitted an additional email as follows:

"I wanted to attend the planning meeting being held on 1st November 2017 to voice and express in person myself and my family's concerns and objections to the proposed development in North Lane, Newhaven as this is adjacent to my property at 19 Lewes Road, Follyfield, BN9 9RP.

Unfortunately, I will not be able to attend the meeting in person due to unavoidable personal circumstances.

Please can I therefore request that all previously made comments made by myself and my family are taken into account."

The planning agent has responded to the District Valuers' comments from the Valuation Office Agency. The agents comments are expressed as follows;

1. *"The fact that the four largest flats are to be self-built by Mr Khan and his 3 children has been ignored. These 4 flats will not be for sale. As I understand it, there is no liability for CIL or AH on Self/Custom Build.*
2. *The increased costs due to Brexit have been ignored.*
3. *Re 2.3 - the DV states 'the proposed scheme includes the provision of 5 Affordable Housing units'. This is not true. It is mentioned again in 4.11*
4. *4.12 - the DV states that 'no reasoning has been given for this difference in pricing' The reason is that they have different features - one has no lift access and a balcony, one has lift access and no balcony and the 3rd has both. All 3 of these flats are for Humayun's kids. The £340,000 per flat is too high to be achieved in Newhaven (& these flats are among the 3 which are not for market).*
5. *4.13 Ground rent - the 4x family flats will not provide ground rents.*
6. *4.22 Finance - Mr Khan would love to have finance at 6%! He has been to many, many finance companies and has not been able to get anything below 12%. See finance director Ed Clark's details.*
7. *4.9 - the first two flats on the list are in Lewes (way higher values than Newhaven) & Seaford (higher values than Newhaven).*

As well as the above details, the 13 units which he has permission for became unviable after approval, due to the effect Brexit has had upon the pound's value against other currencies.

Mr Khan reached the end of his mortgage term on his home over two years ago and has been given a deadline of Monday by Santander's solicitors, Hamlin's to have a date of exchange for the sale of his house (see email below). On Monday 30th they will be starting proceedings to evict him. His intention with this development is to house himself and his three children."

LDC Policy Officers' response to the above:

"The affordable housing requirement

*Core Policy 1 of the Joint Core Strategy sets the affordable housing requirement. For any scheme of 11 or more residential units, 40% affordable housing will be sought **across the whole scheme**. This means that the provision of self-build units does not impact on the number of affordable housing to be delivered on-site. On a scheme of 17 units, we would expect the provision of 7 affordable units.*

The affordable housing requirement may exceptionally be determined on a site by site basis where justified by market and/or site conditions.

Reliefs available under the CIL Regulations

The CIL Regulations 2010 (as amended) make a number of provisions for charging authorities to give relief from the levy. This includes self-build exemption for a whole home and social housing relief.

These reliefs are subject to strict criteria and procedures, in particular for the self-build home exemption. I would strongly advise the applicant to review them to ensure that they can meet the requirements set in the CIL Regulations (regulations 54A(2), 54B, 54C, 54D) and on the relevant forms (Part 1 and Part 2).

The CIL calculation

I reviewed the DV's report, and although I agree that it is not clear on the potential CIL exemption on the self-build units, I believe the CIL estimate to be representative of the CIL liability which could arise from the development."

Therefore, it is the Planning Officers opinion that the DV's conclusions are an accurate reflection of the proposal. Notwithstanding this, the applicants' financial advisor at Oakley Properties has not had the opportunity to provide a critique of the DV's conclusions and would still like to make certain observations and challenge the DV's report (in addition to those comments made above by the planning agent).

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Seaford Town Council has noted the application is recommended for refusal to the Committee. The Town Council have resolved to *“reaffirm that SUPPORT.*

It considered that the use of the access by pedestrians would not be at a sufficient level to justify these safety concerns and any concerns should in any event be outweighed by the benefits of providing this additional housing in a location close to the town centre”.

Neighbour in Richmond Terrace objects to part of the application relating to the ‘Old Wagon Factory’, on grounds of:

- Insufficient Information
- Noise and Disturbance
- Overlooking, Loss of Privacy
- Raises concerns regarding obscure glazed windows being used, times of use, noise and whether there would be a fire risk.

Neighbour in Brooklyn Road comments that *“I see the plans have been revised which is great”. Concerns are, however, raised over consistencies in the drawings, retention of boundary wall at its current height (2m), that parking would be better if one space was removed to allow more turning space and that the bathrooms to the flats would be too small if the flats are aimed at the elderly”.*

The applicant has indicated that the access way has no permission for commercial use or as a car park for the nearby motor vehicle workshop. The owners of the garages within the yard have rights to pass over the access way (through the arch). To the applicants knowledge there have been no unsafe incidents to pedestrians. In the applicant’s view there would be a minor net increase of vehicle movements by the proposed flats, and the access is already used by a business.

One additional letter of representation making the following points:

“Not per se against the establishment of the campsite, and welcome any benefits it brings to the local community, however, we have issues with smoke from the campfires. The effect is obviously related to wind and weather conditions:

So far, the main problem has been in periods of high pressure when smoke builds up over the campsite and slowly spreads outwards, permeating through to our house.

Overall, the effect is not only unpleasant, but also detrimental to health.”