

**Report to:** PLANNING COMMITTEE

**Date:** 21 June 2017

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Little Acres Farm, Frederick Road, Hastings

**Proposal:** Discharge of Section 106 Planning Obligation - The provision of two x 2 bedroom, four x 2 bedroom and two x 3 bedroom units of affordable housing-dated 20/07/2010 of Outline Permission HS/OA/08/00017(Demolition of existing detached bungalow & outbuildings to provide for the erection of 30 residential units)

**Application No:** HS/LA/17/00032

**Recommendation:** Agree Change

Ward: TRESSELL  
File No: FR20075T  
Applicant: The Park Lane Homes (SE) Ltd per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Interest: Developer  
Existing Use: Residential (vacant land)

**Policies**  
Conservation Area: No  
Listed Building: No

**Public Consultation**  
Adj. Properties: Yes  
Advertisement: No  
Letters of Objection: 5  
Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

## **Site and Surrounding Area**

The triangular shaped application site is approximately 0.593 hectares and currently comprises a single storey bungalow with various outbuildings and paddock sited on a predominantly open, grassed plot of land that falls from north to south towards Tuppeney Close, where there is currently an open-ended estate road with two storey houses either side that form part of a larger modern, residential estate with access onto Frederick Road. A large hedge separates the application site from the properties to the south. Numbers 185-211 Frederick Road are 2 storey houses which overlook the site from a higher level to the east. The west of the site is bounded by trees, vegetation and a brick wall, beyond which lies a Network Rail tunnel.

The application site is allocated for residential development (Ref COV2 - Land West of Frederick Road) within the Hastings Local Plan Development Management Plan 2015 for a minimum of 25 dwellings with an affordable housing provision of 25% on a brownfield site.

### Constraints

Network Rail Land Ownership

Network Rail Tunnel

Flooding Surface Water 1 in 1000

## **Proposed development**

This is an application to discharge a S106 Planning Obligation attached to an outline planning permission ref: HS/OA/08/00017, dated 20 July 2010 in respect of the provision of affordable housing (demolition of existing detached bungalow and outbuildings to provide for the erection of 30 residential units.)

The application is made under Section 106A of the Town and Country Planning Act 1990.

The Planning Obligation to be discharged is the provision of 25% affordable housing. There are no other obligations within the S106 agreement.

The application is supported by the following documents:

Development Viability Report, Bespoke Property Group 2017

## **Relevant Planning History**

HS/OA/75/00190 Erection of 18 houses and garages with access from The Cheviots  
Granted 29 July 1975

HS/OA/77/00588 Erection of dwelling and garage  
Granted 30 November 1977

- HS/DS/78/00111 Details for house and garage  
Granted 22 March 1978
- HS/OA/01/00438 Erection of one dwelling in addition to existing bungalow  
Refused 31 January 2002
- HS/OA/06/00741 Demolition of existing bungalow and outbuildings to provide for the  
erection of 30 houses  
Refused 22 December 2006 Appeal Dismissed 11 June 2007
- HS/OA/07/00166 Demolition of existing bungalow to provide 30 residential units  
Refused 25 May 2007
- HS/OA/08/00017 Demolition of existing detached bungalow and outbuilding to provide for  
the erection of 30 residential units  
Granted 20 July 2010
- HS/DS/10/00700 Approval of details of the scale and external appearance of the  
buildings, and the landscaping of the site  
Approval of Reserved Matters 03 February 2011
- HS/CD/15/00598 Discharge of Condition 3 (survey of condition) of planning permission  
HS/DS/10/00700  
Granted 10 July 2015
- HS/CD/15/00482 Discharge of condition 2 (external materials and condition 4 (wheel  
wash) of planning permission HS/DS/10/00700  
Granted 13 July 2015
- HS/CD/15/00488 Discharge of conditions 5 (surface water drainage), 9 (soft landscaping),  
10 (hard landscaping), 12 (boundary treatments) and 15 (local play  
provision) of planning permission HS/08/00017  
Granted 13 July 2015
- HS/PR/15/01013 Application for Certificate of Lawfulness regarding the commencement  
of development, approved pursuant to planning permission  
HS/OA/08/00017  
Granted 01 March 2016

## **National and Local Policy/Guidance**

### Hastings Local Plan – Planning Strategy (2014)

Policy CL1 - Infrastructure and Development Contributions  
Policy H3 - Provision of Affordable Housing

### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

## National Planning Policy Framework (NPPF)

Paragraph 205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

### **Consultations comments**

Bruton Knowles Property Consultants/Valuers were commissioned by the Council to provide the Council with an assessment of the viability report submitted by the developer as part of this application.

Bruton Knowles have concluded that the extant scheme cannot provide onsite affordable housing and is unlikely to be able to provide an affordable housing contribution. A scheme for 32 units (HS/FA/17/0003) is the more viable of the two developments. A scheme for 32 units is being presented to Members as the next item on this agenda.

### **Representations**

5 no of representations received from 5 different properties

5 letters of objection have been received raising the following concerns:

Need for Affordable Housing

Viability Statements are not made public

### **Discussion**

This is an application submitted under Section 106A (Modification and discharge of planning obligations) of the Town and Country Planning Act 1990. This allows developers to modify or discharge an obligation if that obligation is at least 5 years old.

The obligation attached to the outline planning permission for 30 dwellings was signed 20 July 2010.

The scheme for 30 dwellings (HS/OA/08/00017) was the subject of an application for a Certificate of Lawfulness regarding the commencement of development in 2016. The application was approved and the Certificate was issued on 01 March 2016 and the permission is now extant.

The merits of the extant scheme cannot be assessed as part of this application and, as such, the only consideration is whether the scheme as presented is viable or unviable with an obligation of 25% affordable housing. Government guidance is such that house building is paramount, and viability issues should not stall development. This site has been allocated in the Local Plan for a number of years, with the benefit of planning permission, but has remained undeveloped. The assessment of the viability statement has been carried out and clearly shows the site is not viable after affordable housing is provided. Although unfortunate, the Council are satisfied that the S106 obligation for affordable housing can be discharged.

## **Conclusion**

Given the discussion above, it is recommended that the planning obligation for 25% affordable housing be discharged from the Section 106 Agreement dated 20 July 2010.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The Human Rights considerations have been taken into account fully in balancing the planning issues.

## **Recommendation**

**Agree Change**

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## **Officer to Contact**

Ms K Phillips, Telephone 01424 783250

## **Background Papers**

Application No: HS/LA/17/00032 including all letters and documents