DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0406-22**	**Applicant:**	**Ashley King (Developments) Ltd.**
Proposal:	Modification of 106 Agreement to include a mortgagee consent clause (Relating to H02-0771-18)		
Location:	James Road Crowland		
Terminal Date:	28th June 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

06	Developer Contributions
18	Affordable Housing

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Site Description

As per original permission (H02-0771-18).

History

H02-0586-21 - Proposed residential development, replacement allotments and new cemetery, including woodland burial plots, associated infrastructure and new accesses - approved under H02-0900-19. Modification of Condition 1 to allow amendments to previously approved plans. - Approved 2nd September 2021.

H02-0039-19 - Erection of 49 dwellings and associated works - outline approval H02-0771-18 - Approved 28th November 2019.

H02-0771-18 - Proposed residential development, replacement allotments and new cemetery, including woodland burial plots, associated infrastructure and new accesses - approved under H02-0108-18 - Modification of Condition 5 relating to affordable housing - Approved 23rd October 2018.

H02-0108-18 - Proposed residential development, replacement allotments and new cemetery including woodland burial plots, associated infrastructure and new accesses-approved under H02-0259-15. Modification of Conditions 2 and 20 to allow amendments to previously approved plans and Flood Risk Assessment - Approved 25th May 2018.

H02-0259-15 - Proposed residential development, replacement allotments and new cemetery including woodland burial plots, associated infrastructure and new accesses - Approved 11nd February 2016.

Consultation Responses

Crowland Parish Council
The Parish Council rely on the expertise of the Officers.

Planning Considerations

The principle and the built form of development has been accepted by the grant of planning permission and is not open to reconsideration.

This application is to vary the provisions of the Section 106 legal agreement to include a mortgagee consent clause.

As the proposed change would not have any impact on the on-site delivery of affordable homes, the Local Planning Authority have no objections to its inclusion.

Conclusion

Approve.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.