DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0452-20**	**Applicant:**	**Longhurst Group**
Proposal:	Modification of 106 Agreement to reflect the requirement for flexibility on the affordable housing requirement - planning approval H02-0723-16		
Location:	Land At Crease Drove Crowland		
Terminal Date:	5th September 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

18 Affordable Housing

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Modification of s106 Agreement to reflect the requirement for flexibility on the affordable housing requirements set out in the original Unilateral Undertaking.

The applicant wishes to amend the rented tenure from Social Rent to Affordable Rent and to amend the Mortgagee Exemption Clause to that required by the developer.

Site Description

A greenfield site located to the east of Crease Drove. New residential developments are currently under construction to the north and south. There is an IDB drain that adjoins the eastern boundary of the site, beyond which is the rear gardens of properties on Beccelm Drive. There are varying boundary treatments to the rear of these properties. There is a commercial business to the south-west on the opposite side of Crease Drove.

History

H02-0078-20 - Full application for the erection of 14 dwellings & associated works (undetermined)

H02-0079-20 - Reserved matters application for the erection of 41 dwellings & associated works - outline approval H02-0723-16 (allowed on appeal) (approved June 2020)

H02-0383-20 - Details relating to archaeology (Conditions 15 & 16 of H02-0723-16) (approved May 2020)

H02-0723-16 - Outline application for residential development (allowed on appeal September 2017)

H02-0216-17 - Outline application for residential development - re-submission of H02-0723-16 (withdrawn September 2017)

Consultation Responses

Crowland Parish Council - The Parish Council is reliant on the officers expertise to balance the tenure types to benefit the development and the Parish Community as a whole.

SHDC Strategic Housing - The applicant has applied to amend the rented tenure from Social Rent to Affordable Rent and amend the Mortgagee Exemption Clause within the previous Unilateral Undertaking. Strategic Housing is aware that Registered Providers are not able to utilise Homes England grant funding for Social Rent within the district but can for Affordable Rent. The amendments to the Mortgagee Exemption Clause still provide protection for the affordable homes to be provided, and will support the developers ability to raise finance should they need to for this scheme. Both of the requests, if permitted will support the deliverability of the new affordable homes.

Planning Considerations

Given that the proposed modification is supported by SHDC Strategic Housing colleagues and would assist in the delivery of new affordable homes in line with Policy 18 of the Local Plan it is considered to be acceptable.

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.

Conclusion

The proposed amendments to the s106 agreement are considered reasonable and acceptable for the reasoning set out above.