DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0585-19**	**Applicant:**	**Aaron Slevin**
Proposal:	Modification of 106 Agreement to reduce the level of financial contribution - planning approval H02-0554-16		
Location:	Adcock Drinks Company Crease Drove Crowland		
Terminal Date:	18th November 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
18	Affordable Housing
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

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

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission was granted for 50 dwellings on this site under planning application ref. H02-0554-16 subject to a s106 agreement securing 33% affordable housing and education and healthcare contributions.

This application is to vary the s106 to reduce the level of financial contributions to healthcare and

education on the basis that all units to be provided would be affordable.

The applicant has submitted viability evidence which has been independently tested. The independent assessor concluded that full policy contributions are viable which the applicant contests. Therefore, in order to come to a conclusion on the matter, a compromise has been reached which would see the applicant provide £50,000 in financial contributions, to be split on the basis of £33,000 towards healthcare and the remaining £17,000 to education.

Site Description

The application site is brownfield in nature. The rear of gardens on Alderlands Close and Beccelm Drive adjoin the northern and eastern boundaries respectively. There is an open field to the south, with new residential development having just been commenced further south along Crease Drove. There are mature trees/hedgerows on the boundary and there are also a number of trees within the site.

History

H06-0614-19 - Details of boundary treatment (Condition 5 of H02-0554-16) (approved August 2019)

H02-0652-19 - Details of landscaping, public open space and landscape management and maintenance schedule, refuse storage and meter boxes (Conditions 4, 6, 7, 9 and 10 of H02-0554-16) (approved August 2019)

H02-0688-19 - Details of archaeological investigation (Condition 18 of H02-0554-16) (approved July 2019)

H02-0613-19 - Details of construction management and wheel washing facilities (Conditions 16 and 17 of H02-0554-16) (approved July 2019)

H02-0554-16 - Outline application for residential development on land off Crease Drove, Crowland (approved October 2017)

Consultation Responses

Crowland Parish Council - Rely on expertise of planning officers.

Planning Considerations

The current s106 agreement requires the provision of 33% affordable housing and education (formula based) and healthcare (£660 per dwelling) contributions.

The applicant is seeking to reduce the level of financial contributions to be provided on the basis that the scheme is to be 100% affordable.

The applicant has submitted viability evidence which the Council has had independently tested. The independent assessor concluded that full policy contributions are viable which the applicant contests. The Council is committee to ensuring the timely delivery of housing, and in particular affordable housing. Therefore, in order to come to a conclusion on the matter, a compromise has been reached which would see the applicant provide £50,000 in financial contributions, to be split on the basis of £33,000 towards healthcare and the remaining £17,000 to education.

Conclusion

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

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.