

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0066-22 **Applicant:** Platform Housing Ltd.

Proposal: Modification of 106 Agreement to update clause 8.10 (mortgagee in possession to bring in to line with current policy) - relating to planning approval H05-1183-16

Location: Land At 50 Fleet Road Holbeach Spalding

Terminal Date: 30th 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**

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
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT**Proposal**

Modification of Section 106 Agreement to update Clause 8.10 (Mortgagee in Possession) contained in the agreement relating to planning approval H05-1183-16 for 55 dwellings to bring it in line with current policy.

Site Description

As host consent.

Relevant History

H05-1183-16 - Outline - Residential development - 55 dwellings including demolition of existing house - Granted 25 January 2018.

Consultation Responses

Fleet Parish Council

No response received.

SHDC Housing Strategy

Strategic Housing is aware that prospective shared owners seeking to secure mortgage finance and Registered Providers seeking to raise finance to fund the delivery of affordable homes often face challenges if the mortgagee in possession and mortgagee exclusion clauses are not sufficient.

The National Housing Federation has produced template wording to satisfy lenders in this respect. The proposed changes to the agreement concur with this template and therefore Strategic Housing can understand the rationale for this request.

Public

One comment received - summarised:

No S106 money ever comes to the village. Do not have any meeting places except for a park. No clubs for the youngster's to join nor other locals.

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 relating to the affordable housing element.

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As can be seen from the response of SHDC Housing Strategy above, the alterations proposed to the S106 are acceptable and accord with the wider intentions of the SELLP.

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.