DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0636-19**	**Applicant:**	**Mr D Goodridge - Invicta Developments Ltd**
Proposal:	Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings with parking facilities - approved under H05-0077-16 - Removal of Condition 3 relating to affordable housing		
Location:	Fleet Mews Orchard Park Fleet		
Terminal Date:	24th September 2019		

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	1	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a s73 application to remove Condition 3 of H05-0077-16 relating to affordable housing. Condition 3 requires 11 of the total residential units to be provided as affordable housing.

Site Description

Development now almost complete.

History

H05-1079-17 - Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings complete with parking facilities - approved under H05-0563-11 - Modification of Condition 2 to allow amendments to previously approved plans (withdrawn February 2018)

H05-0945-15 - Details of Conditions 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of H05-0077-16 (part approved, part refused July 2016)

H05-0946-15 - Details of Conditions 2, 3, 5 & 6 of H05-0078-16 (approved July 2016)

H05-0077-16 and H05-0078-16 - Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings with parking facilities - approved under H05-0563-11. Modification of Condition 2 of H05-0563-11 to allow amendments to previously approved plans (approved March 2016)

H05-0563-11 and H05-0564-11 - Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings complete with parking facilities (approved November 2011)

Consultation Responses

Fleet Parish Council - Objects on the basis that removal of the clause would mean a loss of affordable housing in the Parish.

Public -
- Impact on traffic and parking in vicinity
- Building is listed
- Noise disturbance
- Privacy issues
- Very large amount of refuse bags on the pavement twice a week

Planning Considerations

The developer has submitted viability evidence contending that no affordable housing can viably be delivered. The Council has had this viability evidence independently verified, and the appraiser has concluded that there is evidence to support the developer's assertion that affordable housing cannot viably be delivered on site.

Policy 18 of the Local Plan provides scope for the proportion of affordable housing to be reduced if there are specific issues affecting delivery, including viability.

Issues raised by the public relate to the principle of development, which has already been established.

Given the above, it is considered that there is sufficient justification to remove Condition 3.

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

It has been demonstrated that affordable housing cannot viably be delivered on site and, as such, it is considered that Condition 3 can be removed.