DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0650-24**	**Applicant:**	**Accent Housing Limited**
Proposal:	Modification of 106 Agreement relating to Affordable Housing (planning approval H09-0454-15)		
Location:	Land Off Low Lane Holbeach Spalding		
Terminal Date:	28th March 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

10 Meeting Assessed Housing Requirements

National Guidance

National Planning Policy Framework December 2024

Not applicable.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application is to vary the S106 agreement to permit Accent Housing to levy annual rent increases.
The current S106 agreement does not allow this registered provider of the affordable housing to levy annual rent increases and the applicant has requested some minor wording changes to the S106 agreement that runs with the land.

This is the only matter that is to be changed in the S106 agreement.

Site Description

As host consent.

History

H09-1290-07 - Withdrawn 4.10.07

H09-0454-15 - Refusal. Appealed. Appeal Allowed 23.11.17. Subject to a Section 106 Agreement.

H09-0590-19 - Modification of S106 Agreement to include mortgagee exclusion clause in relation to the affordable housing units - planning approval H09-0454-15. Approved 15.08.19

Consultation Responses

Holbeach Parish Council

To stay in line with SHCD rates for affordable housing.

Planning Considerations

The only issue to consider as part of this application is to consider the change in the wording of the current Section 106 agreement and Deed of Variation that relates to the ability of the registered provider to charge rent increases.

Accent Housing Limited are the registered provider for several schemes in the district and their legal advice highlighted that the currently worded S106 agreements prevent them from levying increased rents on a yearly basis.

They requested the legal agreements to be altered to enable rent increases.

The comments from Holbeach Parish Council are noted. This change does not affect any aspect of the material planning considerations. This change does not affect the provisions in the original legal agreement, the Deed of variation or the existing consents running with the land.

Legal have consented to the changes and produced a new Deed of variation which has been signed.

It is considered that the changes are acceptable from a planning perspective and the deed of variation can be issued to run with the land in question.

Conclusion

That the amendments to the Section 106 agreement and Deed of variation are acceptable and planning permission can be approved.

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.