DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1178-19**	**Applicant:**	**Loosegate Developments Ltd**
Proposal:	Modification of 106 Agreement appended to permission referenced H09-0326-17 to ensure delivery of units is in line with the contract programme of works and to allow safe occupation upon transfer of units to SHDC		
Location:	Land To The South Side Of Wignals Gate Holbeach Spalding		
Terminal Date:	20th February 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
18	Affordable Housing
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

NPPF 2019

Representations:

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

SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Modification of 106 Agreement appended to permission referenced H09-0326-17 to ensure delivery of units is in line with the contract programme of works and to allow safe occupation upon transfer of units to SHDC.

Site Description

The site is located outside of the settlement limits of Holbeach to the south of Wignals Gate.

Currently vacant agricultural fields, the site can be described as generally level. A group of 10 dwellings lie to the north perimeter of the site and the application site is bounded to the west, south and east by drains. Further agricultural fields exist beyond.

The site can be accessed from Wignals Gate, the end of which abuts the Northern site boundary. An electricity substation is sited to the north east of the site.

Relevant History

H09-0326-17 Outline permission granted. Subject to a S106 to ensure affordable housing and other contributions.

H09-0872-18 Reserved Matters - Erection of 77 dwellings and associated works. Approved 04-12-18.

Consultation Responses

SHDC Housing Strategy

This application is proposing to amend the triggers within the affordable housing schedule so that no more than 48% of the market dwellings are occupied before the first tranche of affordable housing is complete and transferred to an affordable housing provider and then no more than 93% of the market dwellings are occupied before the final affordable homes are complete and transferred to an affordable housing provider. Given that this will support the delivery of the scheme and the affordable homes will still be provided on-site there are no objections from Strategic Housing.

Planning Considerations

As this proposal would support the provision of affordable housing in the District, in accordance with the SELLP, it is recommended that this variation is agreed.

Conclusion

Agree to variation of the S106 agreement.

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.