DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0246-20**	**Applicant:**	**Miss J Privitera**
Proposal:	Conversion of Antiques Centre into 7 flats - approved under H11-1218-07. Removal of Condition 2 to allow affordable housing to be removed		
Location:	Former Antiques Centre London Road Long Sutton		
Terminal Date:	5th June 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
18	Affordable Housing

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5 and 8

PPG

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

Planning permission was granted for the conversion of the building into 7 flats on 29 November 2007 (ref. H11-1218-07). The planning permission was implemented but all of the units have not yet been completed for reasons specified within the application.

This application is to remove condition 2 (affordable housing), including an associated S106

agreement dated 2 December 2014, which requires two of the seven apartments to be provided as affordable housing.

Site Description

The building (a former chapel and antiques centre) is located on the western side of London Road opposite Long Sutton football ground. No 28 London Road (grade II listed) is situated of the north-west and a row of terraced houses to the south-east. The site is within Long Sutton Conservation Area.

History

H11-1031-05 - Full - Conversion of Antiques Centre into seven flats - Granted 16 February 2006.

H11-1218-07 - Full - Conversion of Antiques Centre into 7 flats (revision of H11/1031/05) - Granted 29 November 2007.

H11-0882-10 - C/C - Details of affordable housing, etc - Approved 15 December 2014.

H11-0065-11 - S73 - Installation of revised arched window on western elevation without complying with Condition 13 of H11-1218-07 - Granted 31 March 2011

H11-0134-11 - Full - Proposed frontage wall and gates - Granted 19 April 2011.

Consultation Responses

Long Sutton Parish Council - No comments received.

Housing Strategy - No objections.

Public- Resident objection received (summarised):
Bin storage and brick/blockwork conditions not being complied with; Land untidy; Property not no. 28 London Road.

Planning Considerations

The main issue in this case is whether it is reasonable to insist on the provision of affordable housing provision given the recent change in development plan policy.

Since the scheme was permitted the South East Lincolnshire Local Plan has been adopted (2019), with an updated affordable housing policy that has been underpinned by evidence on viable contributions. The policy increases the threshold from providing planning obligations on schemes of three or more to ten or more and decreases the requirement from 33.3% to 25%.

Given that affordable housing would not be requested should this have been a new application, and the fact that only 6 of the 7 apartments have been completed to date, Strategic Housing is supportive of the affordable obligations being removed.

The concerns raised by a resident are noted. However, they are considered to be street numbering and enforcement matters separate to this application.

Conclusion

There has been a material change of planning circumstance since the development was first permitted and the proposal satisfactorily complies with Policy 18 of the South East Lincolnshire Local Plan, 2019. It is therefore recommended that permission be granted under delegated powers.

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.