

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H16-0673-21 **Applicant:** PJK Millfield Ltd.

Proposal: Modification of 106 Agreement restricting the occupancy of the bungalow to agricultural habitation (planning approval H16-0069-93).

Location: Bungalow On Nursery Site 301 Cradge Bank Spalding

Terminal Date: 28th September 2021

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
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 2021**

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
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WARD MEMBER	0	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

Modification of 106 Agreement restricting the occupancy of the bungalow to agricultural habitation (planning approval H16-0069-93).

Site Description

Redundant bungalow.

History

H16-0668-16. OUTLINE. Residential development. APPROVED 13-03-18. Subject to a S106 agreement, which set the development for "up to 135 dwellings".

H16-0984-19. RESERVED MATTERS. Residential development - comprising 40 dwellings - outline approved H16-0668-16. 13-02-20. 100% affordable dwellings.

H16-0107-21. SEC 73 MODIFICATION. Residential Development - approved under H16-0668-16. Modification of Conditions 2 & 18 relating to Flood Risk (new Flood Risk Assessment submitted). UNDER CONSIDERATION.

H16-0225-21. CONDITION COMPLIANCE. Details of contamination report, boundary & landscaping, public open space, landscape management & maintenance plan, refuse & recycling storage, external boxes, flues etc, cycle storage, construction management, road construction specification, road levels, surface water & foul water schemes and existing & proposed site levels (Conditions 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17 and 19 of H16-0668-16). Approved 02-09-21.

H16-1070-20. RESERVED MATTERS. Erection of 95 Dwellings - outline approval H16-0668-16. Approved 03-09-21.

H16-0021-21. SEC 73 MODIFICATION. Residential Development comprising 40 dwellings - approved under H16-0984-19. Modification of Condition 1 to allow amendments to previously approved plans. Approved 16-07-21.

H16-0543-21. CONDITION COMPLIANCE. Details of written scheme of archaeological investigation (Condition 20 of H16-0668-16). APPROVED. 02-06-21.

Consultation Responses

None.

Planning Considerations

This application seeks to revoke the S106 requirement that this bungalow is retained for agricultural workers.

The purpose of this S106 is moribund, in that the bungalow is to be demolished as part of a wider development of this land holding.

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.