DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0704-18**	**Applicant:**	**Broadgate Homes**
Proposal:	Details of affordable housing (Condition 12 of H16-0571-09)		
Location:	Site South West Spalding With Access From Broadway To North And B1172 To South Spalding		
Terminal Date:	28th February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

18 Affordable Housing

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application relates to the provision of 6 units of affordable housing, 2 shared ownership units on Plots 255 and 274 and 4 intermediate rental properties on Plots 253, 254, 275 and 276. All the properties are 2 beds.

The 4 rental properties are secured via a Section 106 agreement dated 22 December 2020. The shared ownership units were acquired by Longhurst and have been marketed for sale and sold.

Site Description

The houses have been constructed and form part of the wider Holland Park development, where more than 100 houses have now been completed

Relevant History

The Outline permission for 2250 dwellings, planning reference H16-0571-09, secured by condition

to deliver 1/3 of the dwellings as affordable housing.
-Before each phase is commenced the affordable housing scheme should be submitted and approved, covering details of the delivery partner, timing of delivery, plot numbers, size, type and tenures.
-Trigger mechanisms so that not more than 50% of the total number of approved dwellings within each phase, excluding the affordable, shall be occupied until there has been a material commencement on the affordable units and not more than 90% of the approved dwellings, excluding the affordable element, shall be occupied until all of the affordable housing units have been completed.

The REM approval for 312 dwellings, planning reference H16-0464-14 does not refer to affordable housing nor does the layout plan identify the affordable units.

Subsequently condition compliance application H16-0356-14 was approved and provided 14 affordable homes, 7 rented and 7 shared ownership.

Consultation Responses

SHDC Strategic Housing comments as follows:

"The applicant proposes to deliver 6 affordable homes in this tranche, comprising of 4 x 2 bed houses for rent and 2 x 2 bed shared ownership. The affordable housing should be delivered in accordance with the affordable housing as described in Annex 2 of the National Planning Policy Framework dated February 2019, or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede this.

Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site by site basis due to factors such as viability or affordable housing need.

Policy 17: Providing a Mix of Housing in the Local Plan encourages a mix of house types and sizes to meet a range of needs. The mix proposed broadly accords with these policies.

As per Policy 6: Developer Contributions of the Local Plan it would be preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units."

Planning Considerations

This proposal relates to a relatively few units of affordable housing. The issue of achieving the required number of affordable units on the Holland Park development still need to be resolved but in terms of the 6 units proposed, they are of an acceptable size and tenure mix, with the rental units secured through a S106 agreement and the shared ownership units already sold to a registered provider, hence they are not included in the S106 agreement.

Conclusion

That the condition be discharged in respect of these 6 units.

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.