DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0894-21**	**Applicant:**	**Platform Housing Ltd.**
Proposal:	Modification of 106 Agreement to replace with the National Housing Federation standard wording (planning approval H17-0027-20)		
Location:	Land Off Station Road Surfleet Spalding		
Terminal Date:	15th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

06	Developer Contributions
18	Affordable Housing

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Modification of 106 Agreement to include the National Housing Federation standard wording (planning approval H17-0027-20).

Site Description

As original application, except development is now well advanced.

Relevant History

H17-0027-20 - Erection of 32 dwellings and associated works (approved June 2020)

Consultation Responses

Surfleet Parish Council - No comment.

SHDC Strategic Housing - Strategic Housing is aware that prospective shared owners seeking to secure mortgage finance and Registered Providers seeking to raise finance to fund the delivery of affordable homes often face challenges if the mortgagee in possession and mortgagee exclusion clauses are not sufficient. The National Housing Federation has produced template wording to satisfy lenders in this respect. The proposed changes to the agreement concur with this template and therefore Strategic Housing can understand the rationale for this request.

Planning Considerations

Given that the proposed modification is supported by SHDC Strategic Housing colleagues it is considered to be acceptable.

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.

Conclusion

The proposed amendments to the s106 agreement are considered reasonable and acceptable for the reasoning set out above.