

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H22-0231-20 **Applicant:** Seagate Homes (UK) Ltd.

Proposal: Modification of 106 Agreement to reduce level of affordable housing units from 33% to 25% (planning approval H22-0202-16)

Location: Land Off Dean Close/Small Drove Weston Spalding

Terminal Date: 30th July 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

18 Affordable Housing

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes

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

This is an application to modify the s106 agreement tied to outline planning permission (H22-0202-16) in order to reduce the percentage of affordable housing required from 33.3% to 25%.

Site Description

Former agricultural land which forms part of a wider agricultural field that lies to the east of properties on Dean Close/Small Drove and to the north of properties on Delgate Avenue. To the north is the A151 and to the east is open agricultural land.

History

H22-0620-19 - Residential development of 60 one, two, three and four bed houses and bungalows - approved under H22-0202-16. Amendments to show removal of GRP chimneys (approved July 2019)

H22-0306-19 - Proposed Pumping Station (approved May 2019)

H22-0070-19 - Details of external materials, design and position of external boxes, gas flues and soil vent pipes, boundary treatment and Management Plan for Public Open Space (Conditions 4, 5, 7 and 8 of H22-0202-16) (approved April 2019)

H22-0305-19 - Amendments to include re-positioning of Plots 37 and 38, garage to Plot 38 and parking to Plot 39 (approved April 2019)

H22-1071-18 - Details of Conditions 3, 6, 9, 12, 13, 14, 15 and 17 of H22-0202-16 (approved December 2018)

H22-0202-16 - Residential development of sixty 1, 2, 3 and 4 bedroom houses and bungalows (approved August 2017)

Consultation Responses

SHDC Strategic Housing - No objection to the proposed reduction of affordable housing or the proposed mix. The reduced contribution is in line with the current policy requirement of the South East Lincolnshire Local Plan of about a 25% affordable housing requirement.

Planning Considerations

The applicant is seeking to reduce the percentage of affordable housing required by the legal agreement tied to H22-0202-16. This is on the basis of Policy 18 of the South East Lincolnshire Local Plan (2019) (which has been adopted since the original application was considered) which requires 25% affordable housing on major residential schemes, as opposed to the one third that was formerly required by the old Local Plan.

Strategic Housing colleagues have no objection to the proposed reduction of affordable housing or the proposed mix, which are in line with the Local Plan policy requirement of 'about' 25% affordable housing provision and tenure mix of 'about' 70% affordable for rent and 'about' 30% intermediate housing for sale.

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.