DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0442-20**	**Applicant:**	**I Brown, D & P Brown & N & S Brown**
Proposal:	Modification of 106 Agreement to vary the tenure ratio of affordable housing - planning approval H23-0714-18.		
Location:	Land Adj. 70 Cobgate Whaplode Spalding		
Terminal Date:	31st August 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
19	Rural Exception Sites
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

NPPF 2019

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

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

Modification of 106 Agreement to vary the tenure ratio of affordable housing - planning approval H23-0714-18.

The applicant proposes to amend the agreed affordable housing scheme to deliver 4 Rented and 3 Intermediate for Sale 2 bedroom bungalows, rather than 5 Rented and 2 Intermediate for Sale 2 bedroom bungalows.

Site Description

As host application.

History

H23-0714-18. Proposed Residential Development of 28 Bungalows including estate roads, public open space and landscaping. APPROVED 06-03-19.

Consultation Responses

Whaplode Parish Council

No response received.

SHDC Housing Strategy

The applicant proposes to amend the agreed affordable housing scheme to deliver 4 Rented and 3 Intermediate for Sale 2 bedroom bungalows, rather than 5 Rented and 2 Intermediate for Sale 2 bedroom bungalows.

The Affordable Housing Policy within the Southeast Lincolnshire Local Plan requires about 25% affordable housing, which the applicant is still proposing to deliver.

With regards to the tenure mix the policy states 'a mix of about 70% affordable for rent and 30% intermediate housing for sale'. It is also recognises in the policy that the proportion may vary.

The Strategic Housing enabling service also accepts that the configuration of the previously agreed affordable housing scheme, with a rented property adjoined to a intermediate for sale property, may be more challenging for the Registered Provider to market and sell.

Hopefully the above information assists in determining this application.

Planning Considerations

Principle of the development of the land

The principle of the development of this land has been accepted by the grant of planning permission.

S106 contributions and affordable housing provision

The applicant is supplying an acceptable level of affordable housing. This is to be secured via the Deed of Variation of the S106 legal agreement.

Conclusion

The Deed of Variation is acceptable as it accords with the policies of the SELLP.

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.