



Application Number: 2014/0698

Location: 31 Lingwood Lane, Woodborough.



NOTE:

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Report to Planning Committee

Application Number:	2014/0698
Location:	31 Lingwood Lane, Woodborough.
Proposal:	To Discharge Section 106 Agreement – Planning Application Reference 1991/0127.
Applicant:	Mrs W Kemp
Agent:	Mr Peter Diffey

Background

This item for decision is linked to the Planning Application No. 2014/0698 on this Agenda. Should Planning Permission be granted to remove condition 5 of Planning Consent No. 1991/0127 then it will be necessary to discharge the linked Section 106 Agreement.

Summary

Delegated Authority is sought by the Corporate Director to authorise the Council Solicitor and Monitoring Officer to discharge the Planning Obligation agreed with the Borough Council that required the occupation of 31 Lingwood Lane by a person, or their dependents, employed in agriculture on the adjoining holding.

Condition 5 of the outline planning permission for the dwelling restricted the occupation of the dwelling to a person solely or mainly employed or retired from employment on the adjoining holding. The Planning Obligation that was agreed required:

1. The occupation of the Proposed New Dwelling comprised in the Development shall be limited to a person solely or mainly employed or retired from employment on the adjoining holding and in agricultural as defined in Section 336 of the Town and Country Planning Act 1990 or a dependent of such person residing with him or a widow or widower of such a person.
2. The Farm Holding shall at all times hereafter be retained and used only as a single agricultural unit at a size of not less than 210 acres and shall not be reduced in such size without the consent of the Council.

Since the Planning Obligation was agreed, evidence has been forwarded to the Borough Council that, in my opinion, demonstrates that insufficient demand exists to justify the retention of the planning condition restricting the occupation of the

dwelling. The removal of Condition 5 has therefore been recommended. In the circumstances I also consider that it would be unreasonable to restrict the Farm Holding to be used only as a single agricultural unit of a size not less than 210 acres. Consequently it is recommended that delegated authority be granted to the Corporate Director to authorise the Council Solicitor and Monitoring Officer to undertake the necessary works to finalise a Deed of Discharge for the S106 in totality.

Recommendation:

That Delegated Authority be granted to the Corporate Director to authorise the Council Solicitor and Monitoring Officer to Discharge the Section 106 Planning Agreement dated 23 April 1993, Planning Application reference 1991/0127.