

Planning Committee

9 Septmeber 2021

Item
8

Report of	Assistant Director of Policy & Corporate	Author	Nadine Calder ☎ 01206 282424
Title	Discharge of a Section 106 Agreement for The Orchard, Foxes Lane, Eight Ash Green		
Wards affected	Lexden & Braiswick		

This report concerns an application reference 211958 to discharge or revoke an existing Section 106 Agreement

1. Decision(s) Required

- 1.1 Members need to agree to discharge an existing Section 106 Agreement.

2. Reasons for Decision(s)

- 2.1 This report is in respect of a Section 106 Agreement for The Orchard, Foxes Lane, Eight Ash Green.
- 2.2 The Section 106 Agreement applies to planning application COL/98/1681 which granted permission for the erection of an agricultural workers dwelling.
- 2.3 The Section 106 Agreement provides that the dwelling erected under application reference COL/98/1681 shall be occupied only by a stockman (together with his immediate family) employed to supervise the livestock located at Thurgoods Farm.
- 2.4 In April 2021, the Council issued a Certificate of Lawful Existing Use (reference 211311) for the occupation of the dwelling by persons who are **not** solely or mainly working, or last working, in the locality in agriculture or in forestry or a widow or widower of such a person, and to any resident dependents.
- 2.5 Subsequently, in July 2021, the Council granted permission for the removal of condition 5 of application COL/98/1681 (reference 210547) which restricted the occupation of the dwelling to persons who are solely or mainly working, or last working, in the locality in agriculture or in forestry or a widow or widower of such a person, and to any resident dependents.
- 2.6 Application COL/98/1681 is therefore no longer the subject of any occupancy restrictions. The Section 106 Agreement is therefore considered no longer relevant.

3. Alternative Options

- 3.1 The Committee could resolve not to revoke the now redundant Section 106 Agreement, in such circumstances the applicant would have right to appeal.

4. Supporting Information

- 4.1 By way of issuing a Certificate of Lawfulness and the removal of condition 5, as set out above, the dwelling which was granted permission under reference COL/98/1681 is no longer the subject of any occupancy restrictions but represents a normal market house. The Section 106 Agreement, which provides that the dwelling shall be occupied only by a stockman (together with his immediate family) employed to supervise the livestock located at Thurgoods Farm is therefore no longer relevant. The applicant therefore seeks to discharge the existing Section106 Agreement.

5. Proposals

- 5.1 N/A

6. Strategic Plan References

- 6.1 There are no Strategic Plan references of direct relevance.

7. Consultation

- 7.1 Neighbouring properties, Ward Councillors and the Parish Council have been notified. The consultation is still ongoing at the time of writing this report. Any comments that may be received before the Planning Committee will be forwarded to Members on the Amendment Sheet.

8. Publicity Considerations

- 8.1 N/A

9. Financial Implications

- 9.1 N/A

10. Equality, Diversity and Human Rights Implications

- 10.1 There are no Equality, Diversity and Human Rights Implications.

11. Community Safety Implications

- 11.1 There are no Community Safety Implications.

12. Health and Safety Implications

- 12.1 There are no Health and Safety Implications.

13. Risk Management Implications

- 13.1 There are no Risk Management Implications.

Background Papers

Application references:

- COL/98/1681 together with Section 106 Agreement dated 21 August 2000;
- 211311; and
- 210547