

## **SECTION 106 AGREEMENT – LAND AT ORCHARD BROW, HAILE**

**Lead Officer:** Tony Pomfret – Development Control Manager

To consider a request to vary the Section 106 Agreement dated 21 October 2010 relating to a property which is subject to a local occupancy restriction.

**Recommendation:** That the request be approved and the Section 106 Agreement amended accordingly.

**Resource Implications:** The applicant has paid £250 to cover the costs of redrafting the Section 106 Agreement

### **1.0 BACKGROUND INFORMATION**

- 1.1 Planning permission was granted for the conversion of a barn to form a dwelling in 2006 under reference 4/06/2136/0. This permission was subject to a Section 106 Agreement which restricted the occupancy of the adjoining dwelling, Orchard Brow Cottage, to holiday accommodation only. A revised application for various alterations to the approved scheme was subsequently approved in 2010 under reference 4/10/2010/0.
- 1.2 A further planning permission was granted in 2010 under reference 4/10/2342/0B1 which amended the timescale set out in a condition to allow an extended period in which to complete the approved conversion works. Members also agreed to a request to change the occupancy restriction from holiday accommodation to local occupancy at that time. A Section 106 Agreement was issued on 21 October 2010 to ensure that the occupancy of the adjoining cottage was limited to local people in perpetuity
- 1.3 The applicant has now submitted a request to amend the requirements of the Section 106 Agreement so that the local occupancy applies to the barn conversion rather than Orchard Brow Cottage.

- 1.4 As this request will not result in any net increase in unrestricted properties at this site there are no planning reasons to oppose this request to vary the Section 106 Agreement.

**Contact Officer:** Nick Hayhurst – Senior Planning Officer

**Background Papers:** Planning application file ref 4/10/2240/0F1