

Carlisle City Council

Report to:-	Development Control Committee		
Date of Meeting:-	4th October 2002	Agenda Item No:-	
Public	Operational	Delegated: Yes	
Accompanying Comments and Statements		Required	Included
Environmental Impact Statement:		No	No
Corporate Management Team Comments:		No	No
City Treasurers Comments:		No	No
City Solicitor & Secretary Comments:		No	No
Head of Personnel Services Comments:		No	No
Title:-	Proposed Deed of variation to Section 106 Agreement concerning application 99/0685 re L/A Field no. 354, Netherton Farm, Castle Carrock		
Report of:-	Director of Environment & Development		
Report reference:-	EN.106/02		

Summary:-

The report outlines proposed Deed of Variation to the Section 106 Agreement.

Recommendation:-

Members agree to the proposed Deed of Variation.

M Battersby

Director Environment and Development

Report to the Chairman and Members of the EN.106/02

Development Control Committee

1.0 Introduction

1.1 This report needs to be considered in light of any decision reached concerning Application Reference Number 02/0679.

1.2 In December 1999, under application number 99/0685, Members resolved to give authority to grant outline planning permission for the erection of an agricultural workers dwelling subject to the completion of a Section 106 Agreement. Following the satisfactory completion to the Section 106 Agreement the relevant Decision Notice was issued in January of this year.

1.3 The Section 106 Agreement set out to bind the land and the dwelling approved under 99/0685 by imposing a covenant which states:

"that the House shall at no time be sold or disposed of separately from the Land neither shall the Land, nor any part thereof be sold or disposed of separately from the House."

2.0 Present Situation

2.1 In April the solicitor acting on behalf of the purchaser (Mr C Routledge) raised a concern over the precise wording of the above stated covenant on the basis that it prohibited any owner of Netherton Farm subsequently selling a small piece of land.

2.2 As a result and following discussions, a Deed of Variation has been proposed which stipulates:

a) that the Land nor any part thereof shall not be sold or disposed of separately from the House except in circumstances where such sale or disposal will leave at least 110 hectares or more of the Land in the same ownership as the House; and

b) at least 99 of the 110 hectares shall consist of the land immediately neighbouring the House.

2.3 It is considered that such a variation will introduce a degree of flexibility, yet also ensure that the proposed agricultural workers dwelling remains associated with a viable agricultural unit.

Report to the Chairman and Members of the EN.106/02

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3.0 Conclusion

3.1 In light of the recommendation concerning Application Reference Number 02/0679 it is recommended that Members agree to the proposed Deed of Variation to the Section 106 Agreement which should not only include 02/0679, but also to the changes detailed in paragraphs 2.2 a) and b).

4.0 Recommendation

4.1 Members agree to the proposed Deed of Variation.

M Battersby

Director Environment and Development

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