



Planning Committee
Monday, 7th October, 2024 at 10.30 am
in the Assembly Room, Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **Urgent Business Under Standing Order 7 (Pages 2 - 3)**

To consider any business, which by reason of special circumstances, the Chair proposes to accept, under Section 100(b)(4)(b) of the Local Government Act, 1972.

23/01763/FM Gayton - S106

Contact

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7 October 2024

URGENT BUSINESS UNDER STANDING ORDER 7

Report of the Assistant Director of Environment and Planning, pursuant to the Scheme of Delegation

Parish:	GAYTON
Purpose of report:	SEEK AUTHORISATION FROM PLANNING COMMITTEE TO FINALISE AND COMPLETE S106 AGREEMENT AND ISSUE DECISION NOTICE PERTAINING TO APPLICATION 24/00168/OM
Location:	LAND E572430 N319560 AND N OF HOWARDS WAY, GAYTON
Summary:	
<p>The purpose of the report is to seek authorisation from Planning Committee to finalise and complete the S106 agreement pertaining to application ref 24/00168/OM on the following grounds:</p> <p>24/00168/OM – agree a further 3 months from this committee resolution (until 7 January 2025) to finalise the agreement and issue the decision. If the agreement is not completed by 7 January 2025, but reasonable progress has been made, delegated authority is granted to the Assistant Director/Planning Control Manger to continue negotiation and finalise the agreement and issue the decision. If in the opinion of the Assistant Director/Planning Control Manager no progress is made, the application is refused based on the failure to secure the S106 agreement.</p>	

1.0 INTRODUCTION

- 1.1 Historically, Planning Committee has given authorisation to negotiate S106 agreements and ensure their completion within 4 months of the date of the committee resolution. This is to ensure that planning permissions are issued expeditiously. However, from time-to-time issues arise with signing agreements which results in delay. Examples of such an occurrence are when Banks/Building Societies are required to be a party, landowners live abroad or there is an error in the Title Deeds etc.
- 1.2 At present, officers have no authority to negotiate past the 4-month period as committee resolutions direct that applications be refused permission in the event they are not completed within time. Given that applicants can appeal the decision, the failure to allow a further reasonable period of time (particularly when agreements are circulating) may give rise to costs awarded against the Council for unreasonable behaviour in accordance with the Planning Practice Guidance on Appeals. The ability

to agree an extension of time on a case-by-case basis negates potential costs awards.

- 1.3 The following sets out the position on Planning Application 24/00168/OM where the aforementioned circumstances occur.

2.0 PLANNING APPLICATION 24/00168/OM

- 2.1 Application ref 24/00168/OM for Outline Application with Some Matters Reserved for: Phased Residential Development of 15 units comprising First Homes, Custom/Self Build Units and Affordable Housing at Howards Way, Gayton was considered by Planning Committee on 1 July 2024. Members resolved to approve the application subject to the satisfactory completion of a S106 Agreement to secure 5no. affordable units of which 3no. would be first homes and would be for people with a local connection first, 10no. custom / self-build units, £221.17 per dwelling GIRAMS fee and £500 per clause monitoring fee within 4 months of the date of the committee resolution. The agreement is therefore required to be completed by 1 November 2024.
- 2.2 In this instance, the title plan is incorrect due to an historic discrepancy during a 2004 Transfer where part of the Site was sold off but was reflected incorrectly in the title plan. Both party's solicitors are satisfied that this is merely an error and time should be allowed to enable the error to be rectified by the Land Registry. Officers do not have authority to instruct completion of the S106 agreement, but given the circumstances, it is recommended that Members agree a further 3 months from this committee resolution to authorise the completion of the agreement and issue the decision notice.

3.0 RECOMMENDATION

- 3.1 Given the specific circumstances advanced above, it is recommended that Members **Grant authority to continue to negotiate and complete the S106 agreement and issue the decision notice** on the following grounds:

24/00168/OM – agree a further 3 months from this committee resolution (until 7 January 2025) to finalise the agreement and issue the decision. If the agreement is not completed by 7 January 2025, but reasonable progress has been made, delegated authority is granted to the Assistant Director/Planning Control Manager to continue negotiation and finalise the agreement and issue the decision. If in the opinion of the Assistant Director/Planning Control Manager no progress is made, the application is refused based on the failure to secure the S106 agreement.