Parish:	Stoke Ferry	
Proposal:	Outline application for residential development of up to 32 houses	
Location:	Land South of Lark Road Stoke Ferry Norfolk	
Applicant:	Client of David Taylor Associates	
Case No:	15/01931/OM (Outline Application - Major Development)	
Case Officer:	Mr C Fry	Date for Determination: 2 March 2016 Extension of Time Expiry Date: 20 August 2016

Reason for Referral to Planning Committee – To seek an extension of time, to allow 'a policy compliant' scheme to be negotiated and to allow the S106 Agreement to be finalised and signed.

Members will recall that this application was approved at the Planning Committee meeting of 7th March 2016 subject to the signing of a Section 106 legal agreement. The minutes state:-

RESOLVED: (a) That, the application be approved subject to conditions, and the additional conditions detailed in late correspondence and the completion of a Section 106 agreement within 3 months of the date of the decision (b) That the application be refused in the event that the Section 106 Agreement is not completed within 3 months of the date of the committee meeting, the application shall be refused due to the failure to secure affordable housing, public open space, SUDS maintenance and County Contributions.

That period was extended by a month to 4 months at a later Planning Committee.

In this case progress has been made with the S106 agreement; however it came to light during the engrossment of the S106 agreement that the applicant did not have control of the entire application site. It has transpired that the south west corner of the application site is owned by the Borough Council. Some years ago, the Borough Council had an agreement to transfer the land in question to Anglian Water but the transfer never took place. Anglian Water had entered into agreement to transfer the same parcel of land to the applicant once the Borough Council had transferred the land to Anglian Water.

The Property Services team are progressing with the transfer of the land directly with the applicant's solicitor.

Since the resolution to grant the application planning permission (A), there has been a significant change in material circumstances in respect to the principle of developing this site. The principle of developing a large portion of this site was deemed to be acceptable as, at the time of resolution to grant permission, the Local Authority did not have a 5 year supply of deliverable housing sites, with only part of the site being "allocated" in the Site Specific Allocation and Development Management Plan Policy Document – G88.1 referring to land amounting to 0.4ha for a minimum of 5 dwellings. Since the resolution to grant permission, the Authority now has a 5 year supply of deliverable housing sites and accordingly the majority of the application site is outside of the development boundary going forward, with only 0.4ha inside the boundary.

This application is unusual in that part of it is an allocation, although a large portion falls outside the development boundary. In this case a scheme could be negotiated that would be 'policy compliant', and the applicants agent has indicated that the applicant would accept negotiating on this basis, which would mean the proposal reducing in scale, but would allow officers to support a scheme as part of this site.

The previous Committee Report has been attached for information.

Recommendation:

A) Allow an extension of time to allow a scheme considered to be 'policy compliant' to be negotiated, to the satisfaction of the Executive Director – Environment and Planning. In the event such a scheme is negotiated, then **APPROVE** subject to conditions and the completion of a Section 106 agreement within 4 months of the date of the resolution to grant this extension

B) REFUSE In the event that the section 106 agreement is not completed within 4 months of the date of this resolution to grant the extension, due to the failure to secure required contributions through S106 obligations.