

**AGENDA ITEM NO: 8/1(a)**

<b>Parish:</b>	<b>Castle Acre</b>	
<b>Proposal:</b>	<b>Hybrid Application: Full Planning Application for the demolition of existing buildings and the erection of four dwellings (Class C3) with associated access, landscaping and infrastructure and Outline Planning Application (including Access) erection of up to 11 dwellings (Class C3)</b>	
<b>Location:</b>	<b>Massingham Road Castle Acre Norfolk PE32 2BG</b>	
<b>Applicant:</b>	<b>The Holkham Estate And Grange Developments</b>	
<b>Case No:</b>	<b>15/00942/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty</b>	<b>Date for Determination: 5 October 2015 Extension of Time Expiry Date: 4 April 2016</b>

**Reason for Referral to Planning Committee** – to seek an extension of time to allow the S106 agreement to be finalised and signed

Members may recall that this application was approved at the Planning Committee meeting of 11.01.2016, subject to the signing of a Section 106 legal agreement. The minutes refer:

RESOLVED: (a) That, the application be approved subject to conditions, and the additional conditions (amended to include the retention of hedging along the northern boundary of No.2 Massingham Road) in late correspondence and completion of a suitable Section 106 Agreement within 3 months of the date of resolution to approve.

(b) That the application be refused in the event that a Section 106 Agreement was not completed within 3 months of the resolution to approve due to the failure to secure affordable housing, and SUDS maintenance.

In this case progress has been made with the S106 agreement but the wording of the legal document has proved more difficult to agree given the number of landowners involved. This has delayed the process somewhat, although negotiations are underway between the legal representatives of both parties.

The applicants have provided the following statement:

‘The Applicants, the Holkham Estate and Grange Developments, together with their legal representatives have been working with the Council and its legal representative to prepare a draft S106. The timescales for the preparation of this S106 and the consideration of draft versions by all parties has become somewhat protracted for a number of reasons including: multiple legal ownerships and the requirement to seek a grant of probate following the death of 7th Earl of Leicester which did not materialise until May 2016.

The Applicants both continue to be committed to the development at the site which benefits from Committee resolution to grant subject to S106. The Applicant’s seek an extension of time of 1 month to finalise and agree the S106.’

As significant work has already been undertaken it would make no sense to refuse the application at this stage just because the legal agreement has not been signed within the originally stated time period. Accordingly Members are requested to extend the time period to allow for the wording of the legal agreement to be finalised and the document signed by all interested parties. Despite the request of the applicants it is suggested that another 2 month period is allowed to ensure that the required work can be completed and to prevent the need to seek further authorisation for additional time from the Planning Committee.

There is no requirement to review the application itself as there are no material changes to the application or policy terms. However, for information the previous application is attached to this report.

### **Recommendation**

**(A) APPROVE** subject to conditions and completion of Section 106 Agreement

**(B)** In the event that the Section 106 Agreement is not completed within 2 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing.

For ease of reference the original Committee report for the approved planning application is attached below: