

Report of the Planning Control Manager pursuant to the Scheme of Delegation

Parish:	NORTH RUNCTON
Purpose of report:	SEEK AUTHORISATION FROM PLANNING COMMITTEE TO FINALISE AND COMPLETE S106 AGREEMENTS AND ISSUE DECISION NOTICE PERTAINING TO APPLICATION 13/01615/OM
Location:	Land West of Constitution Hill, Constitution Hill, North Runcton, Norfolk, PE33 0QP
Summary:	
<p>The purpose of the report is to seek authorisation from Planning Committee to finalise and complete the S106 agreements pertaining to application ref 13/01615/OM on the following grounds:</p> <p>13/01615/OM– agree a further 1 month from the date of this committee resolution until 6th February 2025 to finalise the agreements and issue the decision. If the agreement is not completed by 6th February 2025, but reasonable progress has been made i.e. documents being finalised and/or out for signature, delegated authority is granted to the Assistant Director/Planning Control Manager to finalise the agreements 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 obligations contained within the S106 agreements that make the development acceptable as defined in paragraph 2.1 of this report.</p>	

1.0 INTRODUCTION

- 1.1 Planning Committee has previously 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 13/01615/OM.

2.0 PLANNING APPLICATION 13/01615/OM

2.1 Application ref 13/01615/OM for Outline Application with All Matters Reserved for: Outline application: change of use from agricultural/undeveloped land to a new development of housing and associated facilities; comprising a mix of up to 1110 residential units (Class C3); primary school (Class F1), local centre (Class E, F2); public open space, landscaping and highway access on the A47 and A10. Members resolved to approve the application on 28th August 2024 subject to the satisfactory completion of the following S106 Agreements within 4 months of the resolution to approve:

- (a) Framework Agreement Part A – to secure the transfer of the land for the delivery of the WWHAR;
- (b) Framework Agreement Part B – to commit to delivering integrated development in accordance with the West Winch Growth Area Strategic Master Plan and to contributing to and/or delivering the infrastructure set out within the IDP.
- (c) Site Specific S106 Agreement – to secure the pro rata contribution as set out in Table 1, affordable housing and GIRAMS contributions.

The agreements are therefore required to be completed by 28 December 2024.

2.2 Significant work has been undertaken by Officers and the Applicants in progressing all three legal agreements but due to the complexity, the agreements will not be able to be completed within the 4-month period. Given the existing Planning Committee resolution, Officers do not have authority to enter further negotiation or finalise the S106 agreements after 28th December 2024. However, the drafts for Framework Agreements Part A and B are almost settled with more discussion on the Site Specific S106 required. Given the interrelationship between the site and the West Winch Housing Access Road (WWHAR), it is important that the timescales for completion of the agreements are defined to ensure that the WWHAR delivery programme is maintained and proceeds at pace. Given the circumstances, it is recommended that Members agree a further 1 month from this committee resolution with the expectation that the Framework Agreements Part A and B will be signed by mid-January 2025 and the remaining agreement signed by all parties by 6th February 2025 to allow the planning permission to be issued.

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 agreements and issue the decision notice** on the following grounds:

13/01615/OM – agree a further 1 month from the date of this committee resolution until 6th February 2025 to finalise the agreements and issue the decision. If the agreements are not completed by 6th February 2025, but reasonable progress has been made i.e. documents being finalised and/or out for signature, delegated authority is granted to the Assistant Director/Planning Control Manager to finalise the agreements 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 planning obligations within the S106 agreements that make the development acceptable as defined in paragraph 2.1 of this report.