

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE - 16 DECEMBER 2009

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

6. PLANNING OBLIGATIONS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 - UPDATE AND RENEWAL OF AUTHORITY

WARD(S) AFFECTED: As identified separately in original reports to Development Control Committee on each application.

Purpose/Summary of Report

<u>RECOMMENDATIONS FOR DECISION:</u>	
(A)	that an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following applications and, if an obligation is completed, the Director of Internal Services be authorised to grant permission in respect of the following planning applications now detailed; and
(B)	the Director of Internal Services report back following the grant of planning permission, or within 6 months of this meeting, whichever is the sooner.

- 1.1 The Development Control Committee has resolved to grant planning permission, subject to planning obligations under Section 106 of the Town and Country Planning Act 1990, in the above cases, subject to conditions. It has not been possible to complete negotiations for the obligations within the six-month period. The delays in these cases have been due to various circumstances and a short explanation is set out beneath each case.

1. **Pentlows Farm Braughing – retirement dwellings; manager’s flat**

The developer went into administration. It is recommended that an extension is granted in case the matter can be completed.

2. **Seven Acres, 49, 54 & 56 Upper Green Road, Tewin 18 Dwellings, Associated Parking and other works**

Some affordable housing issues have cropped up and an extension of time is needed to resolve.

3. **10 Acorn Street, Hunsdon
Erection 16 dwellings and creation of access**

There are some matters currently being finalised with HCC. The draft is nearing completion but an extension of time will be needed for the matter to complete.

4. **Land to the South of Station Road, Watton at Stone Residential development, community uses (doctor’s surgery and early years and associated parking**

HCC is the applicant and landowner, as well as an authority to receive planning gain from the site. This has created legal issues which are still with HCC being resolved in addition to the draft. An extension of time to complete is required.

5. **Land West of Sele Farm Estate, Welwyn Road, Hertford. Tennis centre incorporating indoor courts; pool; gym and outdoor facilities including outdoor swimming pool, tennis courts and golf range**

The matter is currently being pursued vigorously but requires an extension of time to permit completion.

6. **Trinity Centre, Fanhams Hall Road, Ware Residential development of 11 dwellings and deed of release to S106 agreement, schedule 2 relating to community use land**

HCC is applicant, landowner and planning gain recipient. The problems highlighted in the Watton site also relate to this site. Additionally there have been many complications affecting the draft which has been edging towards agreement. An extension of time is required to complete this agreement.

7. **Land off Tylers Close, West of Greenways,
Buntingford**
Outline application for 50 dwellings

The draft is actively being pursued and it is hope to be agreed soon. An extension of time is recommended to ensure the matter can be completed.

1.3 The following agreements have been completed:

04.06.731	Land adjoining London Road, Buntingford - retention of existing nursery, together with erection of 149 new residential dwellings with parking, amenity and infrastructure.	Completed 30th November 2009
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1.4 An updated schedule detailing progress on outstanding planning obligations can be found at Essential Reference Paper 'B' on pages 99.5 - 99.8.

2.0 Implications/Consultations

2.1 Information on any corporate issues and consultation associated with this report can be found within Essential Reference Paper 'A' on page 99.4.

Background Papers

The various planning obligation files and previous reports to Development Control Committee.

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ESSENTIAL REFERENCE PAPER 'A'
AGENDA ITEM 6

<p>Contribution to the Council's Corporate Priorities/ Objectives</p>	<p>Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p> <p>Caring about what's built and where <i>Care for and improve our natural and built environment.</i></p> <p>Shaping now, shaping the future <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p> <p>Leading the way, working together <i>Deliver responsible community leadership that engages with our partners and the public.</i></p>
<p>Consultation:</p>	<p>As set out separately in the original reports to Development Control Committee.</p>
<p>Legal:</p>	<p>This report seeks to obtain authority for an extension of time to complete the planning obligations listed in paragraph 1.1 and grant the planning permission. A lapse in the authority to complete is likely to result in the applicant appealing to the Secretary of State, with potential consequences to the Council of costs and/or changes to the planning obligations authorised by the Development Control Committee.</p>
<p>Financial:</p>	<p>As for Legal.</p>
<p>Human Resource:</p>	<p>None.</p>
<p>Risk Management:</p>	<p>As for Legal.</p>