

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 10 FEBRUARY 2010

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

RECOMMENDATIONS FOR DECISION:	
(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. Land to South of Station Road, Watton at Stone
Residential development, community uses (doctor's surgery and early years and associated parking).

HCC is applicant, landowner and planning gain recipient. This has created legal issues which are still with HCC being resolved in addition to the draft. An extension of time is required to complete this agreement.

2. 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.

There have been complications in relation to the identification to the wildlife site. The draft and plan are being finalised but an extension of time is recommended to ensure this matter can be completed.

3. Land off Tylers Close, West of Greenways, Buntingford
Outline application for erection of 50 dwellings

The matter is being held up by complicated ownerships and the death of one of the landowners. An extension of time is necessary for this matter to complete.

4. Two Acres, Barkway Road, Anstey. Demolition of existing chicken farm buildings and associated agricultural bungalow and construction of 4 detached houses, terrace of 3 affordable dwellings

A revised scheme has recently been approved. An extension of time is recommended for the original scheme until the S106 agreement for one of the schemes has been completed.

- 1.2 An updated schedule detailing progress on outstanding planning obligations can be found at **Essential Reference Paper 'B'**.

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'**.

Background Papers

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

Contact Member: Malcolm Alexander, Executive Member for Community Safety and Protection.

Contact Officer: Alan Madin, Director of Internal Services - Extn: 1401

Report Author: Caroline Robins, Solicitor - Extn: 2194.

ESSENTIAL REFERENCE PAPER 'A'

<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>

ESSENTIAL REFERENCE PAPER 'B'

PLANNING OBLIGATIONS

<u>Reference</u>	<u>Site & Purpose</u>	(a) Date of Expiry of Committee Authority (b) Completed	<u>Current Position as at 27.01.10</u>
04.05.611	Balls Park Mansion and Coach House Mangrove Road Hertford Conversion of stable block to provide 7 no., one bed and 5 no. two bed apartments. Rebuild single storey side and rear extensions and two storey front extension/alterations to and conversion of Balls Park Mansion and Coach House to provide 27 apartments; reduce size of area B car park; provision of underground car parking; demolition of stable yard garages etc; erection of new garages and entrance to west wing	(a) 01.07.10 (b)	Draft being negotiated.
04.06.619	Trinity Centre, Fanhams Hall Road, Ware – residential development of 11 dwellings and deed of release to section 106 agreement (schedule 2) relating to community use land	(a) 29.07.10 (b)	In addition to the draft, there is an issue around HCC's conflict as applicant landowner and recipient of planning gain. With HCC
04.06.692	Pentlows Farm, Braughing – Retirement dwellings; manager's flat	(a) 17.07.10 (b)	Developer in administration.

ESSENTIAL REFERENCE PAPER 'B'

PLANNING OBLIGATIONS

<u>Reference</u>	<u>Site & Purpose</u>	(a) Date of Expiry of Committee Authority (b) Completed	<u>Current Position as at 27.01.10</u>
04.06.702	Seven Acres 49, 54 & 56 Upper Green Road, Tewin 18 Dwellings, Associated Parking and other works	(a) 30.07.10 (b)	An extension of time has been recommended to permit this matter to be completed.
04.06.709	10 Acorn Street, Hunsdon Erection 16 dwellings and creation access land south of	(a) 02.07.10 (b)	Draft being finalised.
04.06.716	Land to South of Station Road Watton at Stone Residential development, community uses (doctor's surgery and early years and associated parking	(a) 11.02.10 (b)	Draft being agreed. Additionally, there is an issue to resolve around HCC's conflict as applicant landowner and recipient of planning gain. With HCC.
04.06.718	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	(a) 11.02.10	Draft and plans being finalised.

ESSENTIAL REFERENCE PAPER 'B'

PLANNING OBLIGATIONS

<u>Reference</u>	<u>Site & Purpose</u>	(a) Date of Expiry of Committee Authority (b) Completed	<u>Current Position as at 27.01.10</u>
04.06.719	Land off Tylers Close, West of Greenways, Buntingford Outline application for erection of 50 dwellings	(a) 11.02.10 (b)	This matter is being held up by complicated ownerships and the death of one of the owners
04.06.727	Central Maltings, New Road, Ware Conversion of existing building to 9 No 3 bed creation of associated off- street parking with revised vehicular access.	(a) 01.07.10 (b)	Property issues being resolved.
04.06.728	Allotment Gardens, Ermine Street, Buntingford. Residential development of 11 houses.	(a) 01.07.10 (b)	Draft being agreed.
04.06.729	Two Acres, Barkway Road, Anstey. Demolition of existing chicken farm buildings and associated agricultural bungalow and construction of 4 detached houses, terrace of 3 affordable dwellings.	(a) 10.06.10 (b)	Revised scheme.