

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 28 JULY 2010

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

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).

There is an issue to resolve around HCC's conflict as applicant landowner and recipient of planning gain and an extension of time is needed for this matter to be resolved and before the section 106 agreement can be completed.

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.

The documents have been engrossed and are currently with the developer's mortgagees.

An extension of time is necessary to ensure this matter can proceed to completion, as the documents have been 'stuck' with the mortgagees for some time, during which late enquiries regarding the documents have been raised and responded to.

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

The title concerning this site is very complicated and there have been a number of unusual issues to resolve. The matter is nearing completion but an extension of time is necessary to ensure completion can take place.

4. 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.

Completion is imminent but an extension of time is needed

to provide an extension of time to complete the section 106 document, with retrospective effect from 1st July 2010 (when authority to complete the document lapsed).

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: Councillor 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'
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>

ESSENTIAL REFERENCE PAPER 'B'
AGENDA ITEM 6

PLANNING OBLIGATIONS

<u>Reference</u>	<u>Site & Purpose</u>	(a) Date of Expiry of Committee Authority (b) Completed	<u>Current Position as at 19.07.10</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)	This matter is being finalised. Authority to complete has lapsed but an extension of time to complete is being sought with retrospective effect from 1 st July to procure a continuation of authority to complete, within the extension of time applied for in this report.
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) 29.01.11 (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) 17.01.11 (b)	Developer in administration.

ESSENTIAL REFERENCE PAPER 'B'
AGENDA ITEM 6

PLANNING OBLIGATIONS

<u>Reference</u>	<u>Site & Purpose</u>	(a) Date of Expiry of Committee Authority (b) Completed	<u>Current Position as at 19.07.10</u>
04.06.702	Seven Acres 49, 54 and 56 Upper Green Road, Tewin 18 Dwellings, Associated Parking and other works.	(a) 30.01.11 (b)	This matter stalled for a considerable amount of time but has now again started to make progress with newly appointed solicitors.
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) 11.08.10 (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) 11.08.10	The documents are with the landowner's mortgagees for execution but a number of late enquiries have prevented the documents from being returned to the Council for sealing and completion. The Council has responded to all the enquiries raised and is chasing the landowners to procure progress of the matter.

ESSENTIAL REFERENCE PAPER 'B'
AGENDA ITEM 6

PLANNING OBLIGATIONS

<u>Reference</u>	<u>Site & Purpose</u>	(a) Date of Expiry of Committee Authority (b) Completed	<u>Current Position</u> <u>as at 19.07.10</u>
04.06.719	Land off Tylers Close, West of Greenways, Buntingford Outline application for erection of 50 dwellings.	(a) 11.08.10 (b)	The title concerning this site is very complicated and there have been a number of unusual issues to resolve. The matter is nearing completion but an extension of time is necessary.

G:\Stortford\BSWP\WPI\Reports\S106.doc