

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 15 OCTOBER 2014, AT 7.00
PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, K Crofton, G Jones, J Jones,
P Moore, M Newman, P Ruffles, N Symonds
and G Williamson.

ALSO PRESENT:

Councillors P Ballam, S Bull, M Carver and
S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

| | |
|------------------|--|
| Paul Dean | - Planning Enforcement Officer |
| Simon Drinkwater | - Director of Neighbourhood Services |
| Peter Mannings | - Democratic Services Officer |
| Kevin Steptoe | - Head of Planning and Building Control Services |
| Alison Young | - Development Manager |

294 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Paul Dean, Planning
Enforcement Officer, to his first meeting of the
Development Management Committee.

295 DECLARATIONS OF INTEREST

Councillors D Andrews, Mrs R Cheswright, K Crofton and G Williamson declared disclosable pecuniary interests in applications 3/14/0528/FP and 3/14/0531/FP, on the grounds that they belonged to an organisation where a leading Officer of the applicant had a degree of control. They left the room during consideration of these matters and the Vice–Chairman chaired the meeting during their determination.

Councillor M Carver declared a disclosable pecuniary interest in the matter referred to in Minute 302, on the grounds that he was the Chairman of the Governors of Hertford Regional College. He left the room during consideration of this matter.

296 MINUTES – 17 SEPTEMBER 2014

RESOLVED – that the Minutes of the meeting held on 17 September 2014 be confirmed as a correct record and signed by the Chairman.

297 3/14/0528/OP – OUTLINE APPLICATION FOR APPROXIMATELY 100 HOUSES. ALL MATTERS RESERVED EXCEPT FOR ACCESS AT AREA 2, LAND SOUTH OF HARE STREET ROAD, BUNTINGFORD, SG9 9JQ FOR WHEATLEY HOMES LTD, 3/14/0531/OP – OUTLINE APPLICATION FOR APPROXIMATELY 80 HOUSES. ALL MATTERS RESERVED EXCEPT FOR ACCESS AT AREA 3, LAND SOUTH OF HARE STREET ROAD, BUNTINGFORD, SG9 9JQ FOR WHEATLEY HOMES LTD

Graham Bonner addressed the Committee in objection to the applications.

The Director of Neighbourhood Services recommended that, in respect of applications 3/14/0528/OP and 3/14/0531/OP, the Committee endorse the view of the Vice–Chairman and local Ward Members, reached through their delegated consideration of these

applications, that were the Council in a position to reach a determination on these proposals, it would have been minded to grant planning permission subject to appropriate conditions and the conclusion of a Section 106 legal agreement.

The Director also recommended that, in respect of applications 3/14/0528/OP and 3/14/0531/OP, authority be delegated to the Head of Planning and Building Control and the Head of Democratic and Legal Services, in consultation with the Chairman of the Committee and a minimum of one of the two local Ward Members (whilst informing both Ward Members at all stages of any relevant action or decision), to determine any resubmitted applications, with the conditions and legal agreement requirements and timing to be in accordance with the information detailed in paragraphs 3.5, 3.6 and 3.7 of the report now submitted.

Councillor S Bull, as the local ward Member, referred to the meeting that took place between himself, Councillor J Jones and Officers following the Development Management Committee meeting on 17 September 2014. He explained that the meeting had been convened to discuss the Council's case in respect of the forthcoming public inquiry regarding both planning applications and the discussions had centred on education and highways capacity and employment provision.

Councillor Bull stated that Councillor J Jones had referred to a number of other developments which he had considered had not been included in the assessment regarding education capacity. He stated that both he and Councillor Jones were concerned that additional education capacity was not being considered early enough.

Councillor Bull referred to the likely oversubscription of schools in Buntingford in 2014/15. He stated that Hertfordshire County Council had indicated that they would not be supporting the position of East Herts Council

in not being supportive of both these planning applications.

In respect of highways capacity, Councillor Bull referred to the lack of objection from Hertfordshire Highways. He referred to the Director's explanation of the position of Hertfordshire Highways and of an external highways consultant. Councillor Bull emphasised that Hertfordshire Highways would not be submitting any evidence to the public inquiry of behalf of East Herts Council.

Councillor Bull referred to an unidentified tipping point that had been highlighted by traffic modelling. He stated that modelling had indicated a significant highways impact resulting from between 500 and 1500 additional dwellings or a maximum of 2000. Hertfordshire Highways had indicated however, that as yet unidentified measures could be taken to improve highways capacity.

Councillor Bull stated that the Wheatley Homes site did not deliver any additional employment provision. An employment consultant had indicated that a number of steps could be taken in addition to direct provision. An example was grant funding for additional broadband capacity or funding for improvements to the A10 single carriageway south of the town.

Councillor Bull stated that a range of scenarios had been considered and he set out the options that were available as regards the appeal. He stated that the ability of the Authority to present a cogent case would be very difficult and the Council would not receive any support from Hertfordshire County Council as regards education or highways matters.

Councillor Bull referred to new information from the Hertfordshire Association for Parish and Town Councils (HAPTC) that suggested that there were now advantages to refusing the applications on the basis that there would be insufficient infrastructure in place prior to the commencement of the developments. He therefore urged

Members to indicate that they would have refused both applications.

Councillor J Jones, as the other local ward Member, stated that government guidance had been released on 6 October 2014, that tended to suggest that East Herts housing targets were excessive and had not taken into account residential care home provision and did not reflect Green Belt policy. He commented that he believed there was a case that the Authority could demonstrate a 5 year supply of housing land.

Councillor J Jones commented that his survey of local people indicated a significant local concern regarding education provision, health care provision, highway capacity and the lack of employment provision. He concluded that the applications should come back before the Committee when all of these issues were resolved.

The Director referred to the decision of Members at the September meeting of the Committee. He also referred to the meeting between Officers, the Vice-Chairman and the two local ward Members. The conclusion was that the Authority would not be able to make a cogent case at the forthcoming public enquiry.

The Director stated that the assertion that the East Herts housing target was excessive would not appear to be based on a detailed consideration of the planning issues that the Council was dealing with and the housing needs of East Herts would be determined via the District Plan process. The Director advised that Members should be significantly cautious in relation to this issue. He confirmed that the 5 year supply would only be met exactly if the Council took the best case scenario that all sites were delivered on the basis of 660 units a year with a 5% buffer.

Members were advised however, that even then, the above scenario did not taken into account previous under delivery and a further 960 houses were required in East

Herts. The Director referred Members to the considerable amount of extra information in the additional representations summary.

Members were advised that Officers had met with Buntingford Town Council to set out the position of the Authority as regards the appeal. The Director advised the Committee that it should be considering the management of development rather than seeking to resist it at all costs. He referred to the language used by the Town Council that East Herts Council should fight this development as much as possible no matter how thin the evidence.

Members were reminded that the National Planning Policy Framework (NPPF) stipulated that the role of the Development Management Committee was to proactively address the development needs of the District and there was a risk that Members could put the Authority in a position where it was judged to be acting unreasonably.

Councillor P Ruffles referred to the infrastructure needs and queried whether the HAPTC comments related solely to education and highways matters or whether other matters such as water supply were factors that Members should take into account. The Director confirmed that he had not seen the HAPTC comments so was unable to advise Members on this.

Councillor P Moore stated that, as before, she approved of the application in principle, but she was very concerned what would happen if the land for education could not be found in spite of the £10,000 available for land research. She expressed concerns that the demand for school places was often higher than predicted and queried what would happen as regards funding should any identified land not be owned by the education authority.

Councillor G Jones emphasised that the meeting between the two ward Members, the Vice-Chairman and Officers seemed to have indicated that infrastructure matters may have been resolved satisfactorily. He commented

however, that the two ward Members did not appear to be comfortable in that regard.

Councillor G Jones concluded that little seemed to have changed since the September meeting of the Committee and, regardless of any undersupply of housing in East Herts, developments must be sustainable in terms of infrastructure provision. Councillor N Symonds stated that she was not supportive of the applications on the basis of the importance of sustainable development.

Councillor M Alexander stated that he would like the Committee to see the minutes of the meeting between the local ward Members and Officers, as well as the minutes of any future meetings of this nature. He also felt that developments must be sustainable and the 960 houses referred to by the Director did not all have to be in Buntingford. He also commented on whether an Inspector would decide on these applications on the basis of the issues that were relevant when the appeal was lodged or on the basis of the information available on the date when the decision was actually made by that Inspector.

The Director advised that the infrastructure issues had been addressed by the solutions that were being put forward and which set out processes to ensure provision of infrastructure in support of housing development. The Committee was advised that funding was available and work was taking place to ensure the necessary infrastructure provision and Members were perhaps being overcautious regarding this matter.

Councillor G Jones proposed and Councillor J Jones seconded a proposal that, in respect of applications 3/14/0528/OP and 3/14/0531/OP, were the Council in a position to reach a determination on these proposals, it would have been minded to refuse planning permission.

After being put to the meeting and a vote taken, this motion was declared CARRIED. After being put to the

meeting and a vote taken, in respect of applications 3/14/0528/OP and 3/14/0531/OP, authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Development Management Committee and a minimum of one of the two local Ward Members (whilst informing both Ward Members at all stages of any relevant action or decision), to formulate, alter, amend and update the Council's statements and evidence (including appropriate legal agreement matters and conditions) to be submitted to the appeal inquiry.

RESOLVED – that (A), in respect of applications 3/14/0528/OP and 3/14/0531/OP, were the Council in a position to reach a determination on these proposals, it would have been minded to refuse planning permission on the basis of the same matters detailed in the resolution of the 17 September 2014 meeting of the Committee; and

(B) in respect of applications 3/14/0528/OP and 3/14/0531/OP, authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Development Management Committee and a minimum of one of the two local Ward Members (whilst informing both Ward Members at all stages of any relevant action or decision), to formulate, alter, amend and update the Council's statements and evidence (including appropriate legal agreement matters and conditions) to be submitted to the appeal inquiry.

298 3/14/1238/FP – PROPOSED ALTERNATIVE CAR PARK LAYOUT AND LANDSCAPING TO THE LAYOUT PREVIOUSLY APPROVED UNDER PLANNING PERMISSION 3/10/1271/FO AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BROXBOURNE, EN10 7QA FOR MS L WHITNALL

The Director of Neighbourhood Services recommended that, in respect of the site relating to 3/14/1238/FP,

enforcement action be authorised on the basis now detailed.

The Chairman advised that application 3/14/1238/FP had been withdrawn. The Director stated that the Committee still had to determine whether to authorise enforcement action in respect of the lack of a landscaping scheme for the existing car park at the Wildlife Park.

Members were advised that the Wildlife Park had now engaged a landscape architect to look at the landscaping for the existing car park and potentially for a new revised car park. Officers had been seeking to resolve this issue for some time and were seeking authority to issue an enforcement notice requiring the landscaping scheme to be submitted.

The Director commented that, given that the Wildlife Park had engaged a landscape architect, Officers were asking for authority to serve the notice with a 6 month period for compliance. If Members were not supportive of this approach, Officers would still like authority to serve an enforcement action but not do so straight away in case a revised planning application was submitted.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to 3/14/1238/FP on the basis now detailed.

RESOLVED – that in respect of 3/14/1238/FP, the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to take enforcement action under sections 187A and/or 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure compliance with conditions 8,9,10 and 11 of planning permission 3/10/1271/FO and/or conditions 8, 9 and 10 of permission 3/08/1390/FP.

Period for compliance: 6 Months

Reasons why it is expedient to issue a breach of condition notice and/or enforcement notice:

1. The existing car park, by reason of the failure to agree and implement a landscaping scheme pursuant to conditions 8,9,10 and 11 of planning permission 3/10/1271/FO and conditions 8, 9 and 10 of permission 3/08/1390/FP is detrimental to the rural character and appearance of the surrounding Metropolitan Green Belt, contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

299 3/14/0690/FP – REDEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES, INCLUDING REMOVAL OF MODERN EXTENSIONS TO FORMER PUBLIC HOUSE AND CONVERSION OF HISTORIC CORE OF BUILDING TO A DETACHED 4 BEDROOM HOUSE, ERECTION OF A TERRACE OF FOUR 2 BEDROOM COTTAGES ON THE WESTERN PART OF THE SITE AND ANCILLARY WORKS AT 244 HERTINGFORDBURY ROAD, HERTFORD, HERTFORDSHIRE, SG14 2LG FOR MR J STOCK

Tennille Bergin addressed the Committee in objection to the application. Jonathan Dixon spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0690/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Rutland–Barsby, as the local ward Member, highlighted her concern regarding the proposed loss of a village pub. She stated that the Authority had always taken the position that village pubs should be protected. She emphasised that any change of use had to be

backed up by evidence of non-viability being submitted and the report clearly illustrated that this had not taken place.

Councillor Rutland–Barsby commented that she knew this pub well and under previous private ownership, it had been a thriving and popular village asset. She stated however, that constant changes in management and the style of delivery, or non-delivery in some cases, had contributed to the current situation.

Councillor Rutland–Barsby stressed that, in the right caring ownership, the situation could be totally different but there had been no marketing of the premises as a pub. If Members were minded to approve the application, she considered the retention of the pub building to be essential and she felt that the general design of the cottages was good.

Councillor Rutland–Barsby concluded that there was too much on the site causing the proposed development to be crammed up to the current neighbouring residences. She stated that, although she could not refute Highways opinion, she disagreed with Officers and stressed that Members should consider whether there were special circumstances for approving the application without proper marketing of the pub.

Councillor P Ruffles stated that he was supportive of the overall application aside from the loss of the pub. He expressed concern regarding the proximity of the proposed development to the cottages adjacent to the west quarter of the site. He agreed with the views of the Highways Officers and commented that this was the local pub for quite a wide area. He stated that Members had not seen any figures that would normally be available regarding the marketing of the pub and he felt that the application should be refused on the pub closure grounds alone.

Councillors M Alexander, K Crofton, J Jones and M

Newman addressed the Committee in support of refusing the application to protect a pub in a rural area.

Councillor P Ruffles proposed and Councillor M Alexander seconded, a motion that application 3/14/0690/FP be refused on the grounds that there was insufficient evidence to demonstrate that the re-use of the site as a public house would not represent a viable commercial business and the proposed development was therefore contrary to policy STC8 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that, in respect of application 3/14/0690/FP, planning permission be refused for the following reasons:

1. In the absence of sufficient evidence to demonstrate that the re-use of the site as a public house would not represent a viable commercial business, the proposals which result in the loss of the public house business would be detrimental to the provision of valued local services and facilities. The proposals are thereby contrary to policy STC8 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

300 3/14/1222/FP – TWO STOREY REAR EXTENSIONS, FIRST FLOOR FRONT EXTENSION, REPLACEMENT OF FRONT DORMER WINDOWS AND ERECTION OF SINGLE STOREY SIDE LINK EXTENSION FOLLOWING DEMOLITION OF EXISTING CONSERVATORY AT TOMWAYS, BURY GREEN, LITTLE HADHAM, SG11 2EY FOR MR AND MRS GARETH LLOYD-WILLIAMS

Nicola Chambers addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/1222/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor M Carver stated that, on behalf of the local ward Member, Councillor M Tindale, he had gone through the process of requesting the application come to Committee. He emphasised that a key issue was the impact of the proposed development on the character of both the existing building and its relationship to the neighbouring properties.

Councillor Carver stated that the above issues were very subjective and the proposed development would constitute a significant improvement to the existing dwelling and would also improve the fit of the development with the character and context of the surrounding dwellings and Bury Green. His view that the application was acceptable was endorsed by the lack of any objection from the Parish Council or any other local objections. He therefore urged Members to approve the application.

Councillor M Newman stated that the two key objections in the report centred on the flat roof and the first floor front extension. His initial concerns from his site visit also centred on the front extension. He stated however, that the plans indicated that the front extension would project no further than the existing building and the proposed roof height would be no higher than the existing gables.

In response to a query from Councillor G Jones, the Director confirmed that Officers had not received any letters regarding this application. Councillor J Jones stated that the application could only be an improvement and would benefit the area. He referred to the wording in

the National Planning Policy Framework (NPPF) in respect of the positive contributions of applications to the local character and distinctiveness of a local area.

Councillor G Williamson proposed and Councillor M Alexander seconded, a motion that application 3/14/1222/FP be granted with authority being delegated to Officers to formulate the planning conditions.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that, in respect of application 3/14/1222/FP, planning permission be granted subject to the following conditions:

1. Three Year time limit (1T12)
2. Matching Materials (2E13)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

301 E/14/0103/A – ERECTION OF UNAUTHORISED RAISED DECKING AT RENNESLEY LODGE (ADJ. RENNESLEY FARMHOUSE), ANCHOR LANE, WADESMILL, SG12 0TE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/14/0103/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/14/0103/A on the basis now detailed.

RESOLVED – that in respect of E/14/0103/A, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

302 PLANNING APPEAL: REDEVELOPMENT TO PROVIDE A NEW COLLEGE BUILDING AND ENABLING RESIDENTIAL DEVELOPMENT OF 50 DWELLINGS, CAR PARKING, ASSOCIATED ACCESS AND LANDSCAPING INCLUDING DEMOLITION OF EXISTING BUILDINGS AT HERTFORD REGIONAL COLLEGE, SCOTTS ROAD, WARE: REF 3/13/1762/FP

The Director of Neighbourhood Services submitted a report updating Members in relation to the current circumstances regarding a planning appeal in respect of planning application 3/13/1762/FP at Hertford Regional College, Scotts Road, Ware. The Director had invited Members to consider the Council's position in the light of further relevant information.

Councillor P Ballam addressed the Committee on behalf of the local ward Member, Councillor M Pope. She referred to the recent briefing for Members arranged by the Head of Planning and Building Control, where Members were advised that Officers would be presenting a robust defence of two of the three reasons for refusal at the forthcoming appeal proceedings.

Councillor Ballam stated that Officers did not feel that a strong enough case could be made in respect of the second reason for refusal due to the levels of car ownership in the Ware Chadwell ward. She reiterated the concerns of herself and Councillor Pope, as well as those of local residents and Ware Town Council, in respect of inadequate car parking. She also referred to an e-mail that had been sent to Members setting out why the second reason for refusal should also be contested by the Authority.

Councillor Ballam reminded Members that this was a settled area where many of the residents were of old age and did not drive. She commented that when these residents moved out, the new occupants would likely be families with two or three cars. She stressed that parking was at a premium due to college and commuter parking and also residential parking.

Councillor Ballam emphasised that today's lifestyle necessitated the ownership of a car and many environmentally concerned residents who either walked or used public transport had no option but to own and use a car. She concluded that if the Authority did not contest the parking refusal reason, the Council would not be able to refuse other planning applications on the grounds of inadequate car parking.

Councillor E Bedford endorsed all the comments of Councillor Ballam and expressed concerns in respect of the impact of the application on the existing street scene. Councillor G Jones expressed concern that the report significantly undermined the case of the Authority at appeal. He stated that he was minded to support all of the reasons for refusal.

Councillor P Moore commented that 6% affordable housing provision was unacceptable and she could not agree to this as it could set a precedent for future planning applications. Councillor M Alexander expressed concerns that if the second reason for refusal was not

contested then the Council's position would be weakened when the recently submitted similar application was submitted to the Development Management Committee.

The Director acknowledged the concern raised by Councillor G Jones but indicated that Officers did not have explicit delegated authority to determine the reconsideration request that had been put to the Council.

The Director stated that the report did not recommend any change to the Council's position regarding the third reason for refusal. Members were advised however, that during the inquiry and prior to any decision being made, the inspectorate would take into account any relevant information or government advice and guidance released subsequent to the Council's decision. It was therefore appropriate for the Council also to address any issues which might be raised by changes to guidance and legislation.

The Director advised that the issue of car parking had been considered in the context of census data for Ware overall, providing a more robust assessment than just Ware Chadwell ward. He advised caution as the issue of college and commuter parking was controlled via existing parking controls.

The Director advised that parking surveys had demonstrated that the particular local circumstances in Scotts Road were such that parking demand was light outside of the controlled hours and existing and new residents were bound by the same rules at all other times. Members were advised that survey work had indicated that parking in Scotts Road was light with one to two vehicles at most. Officers would find it difficult to substantiate a case on that basis at the appeal.

The Director concluded that any decisions taken by the Authority were material in the context of any future applications that came before Members or Officers for a decision. Members were advised that the revised

application was largely the same albeit with one less residential unit.

In response to a query from Councillor Alexander, the Director advised that Officers had acknowledged the position in relation to securing funding for the provision of education by Hertfordshire County Council as the education authority. However East Herts Council had no explicit policy as regards securing funding for further and higher education. The Council did however, have policies regarding the provision of affordable housing and the funding of community and development infrastructure.

After being put to the meeting and votes taken, the Committee accepted recommendation (A) but rejected recommendations (B) and (C) as detailed in the report now submitted.

Councillor M Alexander proposed and Councillor D Andrews seconded, a motion that, in relation to reason for refusal 2, the Council will pursue a case on this matter in relation to the forthcoming appeal and the appellant be informed of this position.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that (A) in relation to reasons for refusal 1 and 3, the Council continues to prepare its case in relation to the forthcoming appeal; and

(B) in relation to reason for refusal 2, the Council will pursue a case on this matter in relation to the forthcoming appeal and the appellant be informed of the Council's position.

303 DEED OF VARIATION ON A SHARED OWNERSHIP UNIT
AT 4 LLOYD TAYLOR CLOSE, LITTLE HADHAM

The Director of Neighbourhood Services submitted a report seeking approval for a deed of variation to the

Section 106 agreement relating to planning permission ref 3/1893-90OP, to remove the staircasing restriction on one shared ownership unit at 4 Lloyd Taylor Close, Little Hadham.

The Director advised that 4 Lloyd Taylor Close was 1 of 2 properties where buyers were only permitted to purchase an 80% share in the property. Members were advised that unfortunately, the occupant had been permitted to staircase ownership to 100% in breach of this agreement.

Members were advised that the agreement also made provision for the property to be for local people before being more widely available on a cascade system. The Director advised that there was no going back since the ownership had been staircased to 100%. Members had the choice of either approving the deed of variation or leaving the situation as it currently stood.

Councillor D Andrews stated this this was an unfortunate situation and there should be checks and balances to prevent this from occurring. He commented it was for Members to reach a considered view as to whether such conditions were necessary and appropriate.

Councillor Andrews stressed that the registered social landlords and the land registry should be made fully aware in future of their obligations and, if at all possible, there should be penalties in these situations.

Councillor G Williamson stated that he was acutely aware of the shortage of affordable housing in this area. He referred to the legal error that had occurred and queried whether appropriate checks and balances could be introduced in future to prevent a similar recurrence in future.

The Director advised that had the legal documents been properly examined, this situation should never have occurred. Members were advised that the only comfort was that staircasing ownership was not an attractive

option and owners of shared ownership units did not normally staircase ownership as the occupants preferred to sell up and move on.

Councillor M Newman urged Officers to write to all of the Housing Associations to remind them of their obligations as regards to shared ownership units. The Director agreed to write to the Housing Associations. He stressed that the number of shared ownership units in East Herts was very low due to the unattractiveness of this option.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation as detailed in the report now submitted.

RESOLVED – that a Deed of Variation to the Section 106 agreement relating to permission ref: 3/1893/90/OP to remove the staircasing restriction on one shared ownership unit at 4 Lloyd Taylor Close, Little Hadham, be approved.

304 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 9.13 pm

Chairman

Date