

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 09 FEBRUARY 2011

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**

<b>RECOMMENDATIONS FOR DECISION: that</b>	
(A)	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. 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.

The matter is with HCC, which is the also the landowner. A side agreement is required to accompany the Section 106. An extension of time is required and recommended for these two documents to be completed.

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

The engrossments are in circulation for signature but an extension of time is vital (and therefore recommended) for this matter to be able to complete.

- 1.2 The following agreements have been completed:

<u>Planning Reference</u>	<u>Site and Proposals</u>
1. 04.06.661	<u>Balls Park Mansion and Coach House Mangrove Road Hertford</u> 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 Completed: 26 <sup>th</sup> July 2010
2. 04.04.716	<u>Land to South of Station Road Watton at Stone</u> Residential development, community uses

(doctor's surgery and early years and associated parking  
Completed: 21<sup>st</sup> December 2010

3. 04.04 718 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  
Completed: 6<sup>th</sup> September 2010

4. 04.06.719 Land off Tylers Close, West of Greenways, Buntingford  
Outline application for erection of 50 dwellings  
Completed: 20<sup>th</sup> September 2010

1.3 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'  
AGENDA ITEM 6

<p>Contribution to the Council's Corporate Priorities/ Objectives</p>	<p><b>Promoting prosperity and well-being; providing access and opportunities</b> <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p> <p><b>Caring about what's built and where</b> <i>Care for and improve our natural and built environment.</i></p> <p><b>Shaping now, shaping the future</b> <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><b>Leading the way, working together</b> <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 &amp; Purpose</u>	(a) Date of Expiry of Committee Authority (b) Completed	<u>Current Position as at 24.01.11</u>
04.06.611	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) 01.01.11 (b) 26.07.10	Completed
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. An extension of time is required for this matter to complete

ESSENTIAL REFERENCE PAPER 'B'  
AGENDA ITEM 6

PLANNING OBLIGATIONS

<u>Reference</u>	<u>Site &amp; Purpose</u>	(a) Date of Expiry of Committee Authority (b) Completed	<u>Current Position as at 24.01.11</u>
04.06.692	Pentlows Farm, Braughing – Retirement dwellings; manager's flat	(a) 17.01.11 (b)	Matter went back to DC to be reconsidered in December and was refused (min. 455)
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)	Engrossments sent out for signature but an extension of time to complete is required.
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) 11.02.11 (b) 21.12.10	Completed
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 (b) 06.09.10	Completed.
04.06.719	Land off Tylers Close, West of Greenways, Buntingford Outline application for erection of 50 dwellings	(a) 11.08.10 (b) 20.09.10	Completed

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