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Chairman and Members of the
Development Control Committee

Your contact: Peter Mannings
Extn: 2174
Date: 22 March 2012

cc. All other recipients of the
Development Control Committee
agenda

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE – 21 MARCH 2012

Please find attached the Additional Representations Summary as circulated by the Head of Planning and Building Control prior to the meeting in respect of the following:

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 3 – 6)

Yours faithfully,

Peter Mannings
Democratic Services Officer
East Herts Council
peter.mannings@eastherts.gov.uk

MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 21 MARCH 2012
TIME : 7.00 PM

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East Herts Council: Development Control Committee

Date: 21 March 2012

Summary of additional representations received after completion of reports submitted to the committee, but received by 5pm on the date of the meeting.

Agenda No	Summary of representations	Officer comments
5c 6-8 Dimsdale Street, Hertford	The owner of the site has written to Officers indicating that they felt they were doing what was right for this building. The collapse of the front wall was not intentional and they have submitted a justification report which they consider explains the essential nature of the works that were believed to be required to prevent further structural failure at the site. They also indicate that the timber frame had already been cut in two places and was no longer tied into the neighbouring dwelling.	Officers' comments on the submitted justification report are set out in paragraph 1.13 of the report and although these further comments are noted, it is not considered that they properly or fully address all the unauthorised works that have been carried out at the site. It is therefore recommended that authorisation be given as set out within the report to ensure that any works necessary to rectify the damage caused to the building can be enforced in the event that any further negotiation fails to remedy the situation.
5e E/11/0359/B Land east of Thorley Street	Officers have been advised that the use is to move away from this site in April. The last classes will be on Sunday 1st April and after that, all facilities will be removed from the site within 2-3 weeks.	Officers recommend that authorisation be given as set out in the report, although it will not be necessary to issue any formal notice if the use ceases within the timescale advised by the owner.
5f, E/11/0217/A, 18 Millers Close,	The <u>Council's solicitor</u> has reviewed the contents of the committee report and sought additional clarification from officers regarding the precise nature of the use and the details of the numbers of people	Officers can provide Members with the following additional information which has led them to the conclusion that the use falls within Use Class C2:-

Bishops Stortford	living and working at the house. The solicitor considers that Members would benefit from more information on these aspects of the use and the reasons for Officers' conclusion that the use falls within Use Class C2.	<ul style="list-style-type: none"> • The premises provide residential accommodation and care to children in need of care; • None of the staff live at the site with the children • The premises and staff remain the constant at the site, with children being replaced as they reach 18 years of age, without any option for them to remain at the property; • Case law (<i>N Devon DC v FSS & Southern Childcare Ltd [2004] JPL 1396</i>) indicates that those providing 24-hour care and children cannot be regarded as living together, nor are children alone capable of forming a household; • Officers' do not consider that the use falls within the "C2A" Secure Residential Institution class; • Officers have been informed the there are two children and seven to eight full time carers, including a manager for the home, and that the carers have their own separate residential addresses.
5g 3/11/1616/FP 306-310 Ware Road, Hertford	The applicant's agent has raised concern that an assessment has been made of the financial viability of the scheme by planning officers in the absence of supporting evidence. A concern is also raised that a profit of less than 20% is used as a basis for making the decision whereas 20% is widely accepted as an appropriate level of return. To work on a level below this is considered to hold little weight. It is considered that, given the difficult and challenging market, a return of less than the industry norm will undoubtedly	<p>Officers are aware of and have given weight to the ability of the development to generate sufficient profit for it to proceed. However the applicant, in the direct letter to Members has indicated a willingness to commit to the payment of a commuted sum of £90,000. This itself will have an impact on the profit level and must undermine the case being made that a return of no less than 20% will be acceptable.</p> <p>Officers have also referred in the report to the ability of</p>

	<p>stifle development.</p> <p>The agent points out that, whilst a sum of £185,000 was seen as acceptable in principle in relation to the initial DVS report, at no time has this amount been agreed.</p> <p>The agent stresses that the applicant is happy to contribute toward the sustainability of the development and keen to turn the derelict site into a positive development. He remains willing to discuss the provision of a single affordable unit at the site.</p> <p>Officers understand that the applicant has circulated a letter to all DC Members dated 16 March 2012.</p>	<p>the uplift in the value of the land to support the costs of the provision of affordable housing. So, rather than the costs being met from the profit generated by a developer, they can also be drawn from the income achieved by the land owner on the sale of the land. It is noted that neither the agent nor landowner have commented on this matter.</p> <p>Officers consider that it is not unreasonable for weight to be assigned to both of these matters and that the recommendation that is put forward then is a reasonable one. Officers propose no change to the recommendation.</p>
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