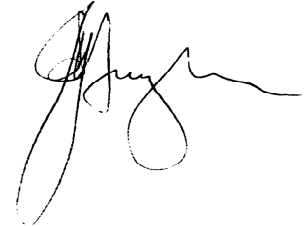


# Public Document Pack

## EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 8th December, 2010 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Dated this 29th day of November 2010



Jeff Hughes  
Head of Democratic and  
Legal Support Services

*Note: The meeting will commence with prayers. Those Members who do not wish to participate will be invited to enter the Chamber at their conclusion.*

### **AGENDA**

1. Chairman's Announcements

*To receive any announcements.*

2. Minutes (Pages 7 - 24)

*To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 29 September 2010.*

3. Declarations of Interest

*To receive any Members' declarations of interest.*

4. Petitions

*To receive any petitions.*

5. Public Questions

*To receive any public questions.*

6. Members' questions

*To receive any Members' questions.*

7. Executive Report

*To receive a report from the Leader of the Council, and where necessary, approve the recommendations of the Executive meetings held on:*

(A) 12 October 2010\_(Pages 25 - 32)

(B) 9 November 2010\_(Pages 33 - 38)

(C) 1 December 2010

*To follow*

*Note - Members are asked to bring to the meeting their copy of the Executive agendas for these meetings.*

8. Minutes of Committees

*To receive, and where necessary approve, the Minutes of the following Committees:*

(A) Development Control Committee - 22 September 2010\_(Pages 39 - 68)

*Chairman: Councillor W Ashley*

(B) Development Control Committee - 30 September 2010\_(Pages 69 - 84)

*Chairman: Councillor W Ashley*

(C) Human Resources Committee - 13 October 2010\_(Pages 85 - 88)

*Chairman: Councillor D A A Peek*

(D) Development Control Committee - 20 October 2010\_(Pages 89 - 132)

*Chairman: Councillor W Ashley*

(E) Community Scrutiny Committee - 26 October 2010\_(Pages 133 - 144)

*Chairman: Councillor C Woodward*

(F) Licensing Committee - 4 November 2010\_(Pages 145 - 150)

*Chairman: Councillor M P A McMullen*

(G) Environment Scrutiny Committee - 16 November 2010

*Chairman: Councillor Mrs D L E Hollebon  
(To follow)*

(H) Development Control Committee - 17 November 2010

*Chairman: Councillor W Ashley  
(To follow)*

(I) Audit Committee - 24 November 2010

*Chairman: Councillor J O Ranger  
(To follow)*

(J) Corporate Business Scrutiny Committee - 30 November 2010

*Chairman: Councillor D Andrews  
(To follow)*

9. Council Tax - Calculation of Council Tax Base 2011/12 (Pages 151 - 156)

*To receive a report from the Executive Member for Resources and Internal Support.*

10. Independent Remuneration Panel (Pages 157 - 164)

*To receive a report from the Director of Internal Services.*

11. Review of the Council's Decision-making Structure (Pages 165 - 170)

*To receive a report from the Head of Democratic and Legal Support Services.*

12. Motions on Notice

*To receive Motions on Notice.*

## PERSONAL AND PREJUDICIAL INTERESTS

1. A Member with a personal interest in any business of the Council who attends a meeting of the Authority at which the business is considered must, with certain specified exemptions (see section 5 below), disclose to that meeting the existence and nature of that interest prior to the commencement of it being considered or when the interest becomes apparent.
2. Members should decide whether or not they have a personal interest in any matter under discussion at a meeting. If a Member decides they have a personal interest then they must also consider whether that personal interest is also prejudicial.
3. A personal interest is either an interest, as prescribed, that you must register under relevant regulations or it is an interest that is not registrable but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward(s) affected by the decision.
4. Members with personal interests, having declared the nature of that personal interest, can remain in the meeting, speak and vote on the matter unless the personal interest is also a prejudicial interest.
5. An exemption to declaring a personal interest applies when the interest arises solely from a Member's membership of or position of general control or management on:
  - any other body to which they have been appointed or nominated by the authority
  - any other body exercising functions of a public nature (e.g. another local authority)

In these exceptional cases, provided a Member does not have a prejudicial interest, they only need to declare their interest if they speak. If a Member does not want to speak to the meeting, they may still vote on the matter without making a declaration.

6. A personal interest will also be a prejudicial interest in a matter if all of the following conditions are met:
  - the matter does not fall within one of the exempt categories of decisions
  - the matter affects your financial interests or relates to a licensing or regulatory matter
  - a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

7. Exempt categories of decisions are:
- setting council tax
  - any ceremonial honour given to Members
  - an allowance, payment or indemnity for Members
  - statutory sick pay
  - school meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends
  - housing; if you hold a tenancy or lease with the Council, as long as the matter does not relate to your particular tenancy or lease.
8. If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that interest and its nature as soon as the interest becomes apparent to you.
9. If you have declared a personal and prejudicial interest, you must leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose. However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe proceedings.
10. Members intending to make a declaration of interest, are invited to complete the form below and to hand this to Jeff Hughes or Martin Ibrahim, prior to the meeting. This will assist in recording all declarations. Members are still required to make a verbal declaration at agenda item 3.

<b>Member:</b>			
<b>Minute or item number</b>	<b>Subject</b>	<b>Personal or Personal and Prejudicial</b>	<b>Nature</b>

MINUTES OF A MEETING OF THE  
COUNCIL HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 29 SEPTEMBER 2010, AT  
7.00 PM

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PRESENT:

Councillor A D Dodd (Chairman)  
Councillors M R Alexander, D Andrews,  
W Ashley, P R Ballam, K A Barnes,  
R Beeching, S A Bull, A L Burlton,  
M G Carver, Mrs R F Cheswright,  
R N Copping, A F Dearman, J Demonti,  
R Gilbert, Mrs M H Goldspink, A M Graham,  
P Grethe, L O Haysey, J Hedley,  
Mrs D Hone, A P Jackson, G E Lawrence,  
J Mayes, G McAndrew, M P A McMullen,  
T Milner, R L Parker, D A A Peek, M Pope,  
N C Poulton, R A K Radford, J O Ranger,  
S Rutland-Barsby, G D Scrivener, V Shaw,  
R I Taylor, J J Taylor, M J Tindale,  
J P Warren, N Wilson, M Wood and  
B M Wrangles

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Senior Democratic Services Officer
Lorraine Kirk	- Senior Communications Officer
Alan Madin	- Director of Internal Services

George A Robertson - Director of  
Customer and  
Community  
Services

285 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that the meeting was being webcast and that Members should remain seated when speaking.

The Chairman referred to the sad death of former Councillor Martin Coleman, who had represented Ware Trinity ward from 1987 – 1991 and 1995 – 2003. He invited Councillor M Wood to say a few words.

Councillor M Wood referred to Martin Coleman's wit, sense of humour and negotiating skills. He detailed his service on behalf of residents not just on the District Council, but also on Hertfordshire County Council. He spoke of his deep support for colleagues, especially within his own Group, at times of great difficulty.

The Leader of the Council also paid tribute to Martin Coleman and spoke of the respect he had for him. He referred to his amazing wit and intellect and his genuine motives in working for the greater good.

Members stood and observed a minute's silence in memory of former Councillor Martin Coleman.

The Chairman highlighted a number of his engagements since the previous meeting and drew attention to his raffle in aid of Isabel Hospice and Vale House. He reminded Members that his Civic service would be held on 24 October 2010 and that he would welcome their support.

Finally, the Chairman advised that the agenda item relating to the Development Control Committee – Minutes of the meeting held on 22 September 2010, had been withdrawn as it had not



proved possible to finalise the document in time. The Minutes would be submitted to the next Council meeting.

286 MINUTES

RESOLVED – that the Minutes of the Council meeting held on 29 June 2010, be approved as a correct record and signed by the Chairman, subject to the amendment of Minute 99 – Members’ Questions, penultimate paragraph, 6<sup>th</sup> line:

Delete “£400k” and insert “£300k”.

287 PETITION - RESIDENTS' SECURED PARKING AT GRANGE PADDOCKS, BISHOP'S STORTFORD

Mr M Boyton submitted a petition on behalf of 24 residents, as follows:

“We, the undersigned, strongly object to plans to remove the residents’ secured parking from Grange Paddocks.”

Mr Boyton addressed Council by calling for the reinstatement of the secured parking area at Grange Paddocks that 24 residents of Rye Street, Bishop’s Stortford, had lost when the rising bollard had been deactivated in July 2010 and residents had been required to return electronic fob keys. Mr Boyton referred to the lack of consultation on this and the resulting problems residents now faced. He detailed Officers’ inaccuracies in responding to residents’ concerns, particularly in respect of the heaviest day of public use, the cost of maintaining the bollard and whether the secured parking arrangement was temporary.

Mr Boyton concluded by outlining the parking problems that residents had suffered since the bollard was lowered. He urged the Council to reactivate the bollard and to ensure that residents did not have to suffer the ongoing problems until such time as any future parking schemes were introduced.

In response, the Executive Member for Planning Policy and Transport thanked the petitioner. He confirmed that he had been aware of correspondence between residents and Hertfordshire County Council (HCC) and East Herts Council Officers. He referred to the expiry of HCC's five year lease on the land, the ownership of which had now reverted back to East Herts Council. He detailed the Council's longer term plans for the wider area, which included the introduction of pay and display parking at Grange Paddocks and the implementation of a residents parking scheme on which consultation had begun with residents in the Chantry area. He believed the longer term plans would benefit the entire Chantry area and would treat all users fairly. He stated that pay and display parking would not be introduced until all local residents had had the opportunity to participate in a resident parking scheme.

Councillor R Gilbert, as a local ward Member, cast doubt on whether sufficient spaces on Rye Street would be available for local residents and agreed with the petitioner that an exception should have been made for the interim period before any scheme was introduced.

## 288 PRESENTATION - OLYMPICS 2012

John Fuller, Hertfordshire 2012 Ambassador, gave a presentation on the progress of the Olympics. He gave an overview of the development of all the Olympic venues, one of which, the Lee Valley White Water Centre at Waltham Cross, was in Hertfordshire. He referred to the overall organising structure and detailed the role of the Hertfordshire Is Ready for Winners Board, the partnership responsible for delivering the ambitions and legacy for the county. He also detailed the achievements to date and emphasised the Olympics as a once in a lifetime opportunity.

In response to Members' questions, Mr Fuller invited Members to view the progress made on the new facilities and offered to provide further information in respect of contractors within Hertfordshire.

289 MEMBERS' QUESTIONS

Councillor Mrs M H Goldspink asked the Leader of the Council what the Council's policy was on the sending of first or second class mail if the letters were not of an urgent nature and how the policy was monitored.

In reply, the Leader stated that, as a matter of course, second class mail was used, except for urgent items where first class postage would be used. Advice had been issued reminding Officers that communications with Members, the County and Town Councils should be sent via the courier service. He invited Members to notify Officers if they became aware of any misuse.

In response to a supplementary question on whether a written procedure existed, the Leader stated that the cost of monitoring needed to be balanced against the scale of any problems. There had been very few occasions requiring any monitoring as there had not been any problems.

Councillor J O Ranger asked the Leader of the Council if he agreed that with Council's need to cut or restrict some services or increase costs during the next four years, Council should be very open about this and give maximum publicity to the necessary changes and clear reasons why. He further asked if the Leader also agreed that all Councillors, irrespective of party or of no party, should be fully supportive of the actions the Council had to take, even if they were likely to be unpopular with the public.

In response, the Leader agreed that the difficult times ahead were unprecedented and Council was faced with making challenging decisions. These would include some tough choices that Council might not prefer to make, but would be for the greater good. It would be necessary to help residents understand the rationale for some decisions that might involve increased charges, but would be necessary for ensuring that Council's finances remained sustainable over the medium term.

The Leader accepted that some Members might wish to articulate a philosophical difference on some matters. However, he was confident that all Members, from time to time, would support challenging decisions proposed by his Administration.

Councillor A M Graham asked the Executive Member for Community Development, Leisure and Culture if she could confirm that the vacancy of the Arts Development Officer had been advertised and if not, when it would be.

In reply, the Executive Member confirmed that the post had not been advertised. Officers were reviewing the options available within the wider context of arts development and the Hertford Theatre project, which would include developing partnership working with external players and collaboration, for instance, with schools.

In response to a supplementary question on whether external groups would be consulted to ensure stability and continuity so that the investment in the arts to date was not lost, the Executive Member stated that Officers were still working through a number of ideas and that consultation with key players would take place.

Councillor A M Graham asked the Executive Member for Community Development, Leisure and Culture if she could confirm or explain if the arts development budget had been cut and whether cuts or savings were being considered by Officers in this area.

In reply, the Executive Member stated that a £5k reduction had been approved by Council for 2009/10 with a further £5k reduction being brought forward in 2010/11. This additional reduction would have no impact on the overall arts programme as the Green Heart project with the Arts Council had come to an end. Officers were looking at options for providing more from within current budgets.

In response to a supplementary question on whether the reductions could be reviewed, the Executive Member referred

to her answer to the next question.

Councillor A M Graham asked the Executive Member for Community Development, Leisure and Culture if she could update the Council on whether the Hertford Theatre capital project was on target and that the timeline was on schedule and if not, what were the implications financially to Council.

In reply, the Executive Member stated that the Hertford Theatre project was on schedule. Some savings had been made and some additional expenditure had been incurred. However, the final balance had yet to be quantified.

The Executive Member advised that pantomime sales were going well and that the new website was now up and running. She also referred to the pantomime that Members would be invited to on 12 December 2010.

Finally, the Executive Member commented that Members were aware of her involvement in the arts and that, in these challenging times, Members would have to make difficult decisions. It would be important to look at arts provision in a different way.

Councillor M Wood asked the Executive Member for Resources and Internal Support if he could advise on how much was spent on consultant fees in the financial year 2009/10 and for comparative reasons 2008/9.

In response, the Executive Member for Resources and Internal Support detailed expenditure on consultant fees under six broad headings, which for 2009/10 totalled £452k, compared to £407k in 2008/09.

Councillor Wood congratulated Council for reducing expenditure from £1.4m four years ago when he had first asked the question.

Councillor Mrs M H Goldspink asked the Executive Member for Planning Policy and Transport if, in reference to Bishop's Stortford Market, he could give his assurance that no market

trader, who currently had a stall in South Street, would be compelled to move to North Street in the future, if that was against his/her wishes.

In reply, the Executive Member offered no guarantees to any market traders in any market. He commented that sometimes it was necessary for traders to move, for instance, for safety reasons or if road works were being carried out. He was aware of a request that had been made by a South Street trader. However, no decision had yet been taken to move traders to North Street. He reminded Members that East Herts Council held the market rights and was entitled to seek to move traders if this benefitted the town centre.

Councillor Mrs M H Goldspink asked the Executive Member for Planning Policy and Transport if he could detail how many shopkeepers and retailers in South Street, Bishop's Stortford were consulted about the proposals to move the market to North Street and if there was a written record of their comments.

In response, the Executive Member stated that Officers had consulted widely with the promotion of the Traffic Regulation Order (TRO) and had received support from the Chamber of Commerce, the Town Council and Town Partnership. All businesses had received a mailshot from Mouchel and there had been no objections and so no written record. There had not been any consultation on moving the market as no decision had been taken.

In reply to a supplementary question on whether the consultation was only about the TRO or had included questions on moving market traders, the Executive Member undertook to provide a written response.

Councillor Mrs M H Goldspink asked the Executive Member for Planning Policy and Transport if the market traders in Bishop's Stortford had been asked for their ideas on improving the market and, if so, was there any written record of meetings and ideas.

In reply, the Executive Member referred to two questionnaires in 2007 that had formed the basis of the current plans. These had addressed various issues, such as car parking, advertising, market layout, etc, and there had been a consensus for pedestrianisation of the market areas on market days and consolidation of the market around Potter Street/Market Square/North Street. The Market Manager had spoken to traders on a weekly basis and had kept them informed of progress. Traders were aware of the plans seeking more focus on Market Square/North Street, which would be the priority location for future requests for stalls.

Councillor V Shaw asked the Executive Member for Planning Policy and Transport if he could explain, for the sake of transparency and acceptable practice, why the Markets Task and Finish Group did not have sight of the grant application for the move of the market in Bishop's Stortford and why the £47,000 for that move came from the Town Enhancement Budget.

In reply, the Executive Member commented that the Task and Finish Group had been aware of the project as recorded in the notes of meetings held on 26 January and 23 February 2010. The grant application had included bids involving wider regeneration projects, such as the pedestrianisation of North Street and improved riverside access. These elements of the bid had been successful and had required match funding of £25k from the Town Centres Enhancement budget for a project costing nearly £250k. He believed that the process had been open and transparent.

In response to a supplementary question, the Executive Member commented that the Task and Finish Group had not seen the application as this was an Officer responsibility. He would not have expected to have seen the application himself.

Councillor T Milner asked the Leader of the Council if he shared his disappointment at the recent resignation of two independent members of this Council. Mr and Mrs Clark had publicly stated they were on a "break", which might suggest

that they intended to stand again in May next year. He asked the Leader, if they were to stand again, how much this couple's "holiday" would cost the taxpayers of East Herts.

In reply, the Leader confirmed that he did share in Councillor Milner's disappointment. He commented that if the use of the word "break" did mean that they would stand again in May 2011, then they would be morally bankrupt. He was aware of one by-election and potentially two. If the by-elections were held on the same day, this would cost £16k.

## 290 MEMBERSHIP OF THE EXECUTIVE

The Leader of the Council confirmed the arrangements of the Executive portfolios following the resignation of Councillor T Milner from the Executive. He advised that the Environment and Conservation portfolio would be covered as follows:

- Councillor Alexander (refuse, recycling, grounds maintenance tender and contract award and general portfolio)
- Councillor Carver (conservation and heritage)

Council agreed to receive the report.

RESOLVED – that the report be received.

## 291 EXECUTIVE REPORT

The Leader reported on the work of the Executive and presented the Minutes of the Executive meetings held on 13 July and 7 September 2010.

In respect of Minute 229 – Financial Strategy 2011: MTFP Update: Emergency Budget Proposals, the Leader referred to concerns raised at the Local Joint Panel meeting held on 16 September 2010, in respect of the staffing impact of some of the savings. He had discussed the matter with the Chairman of the Local Joint Panel and proposed an additional recommendation (seconded by Councillor M R Alexander) as follows:



- “(F) (1) the concerns of the Local Joint Panel meeting of 16 September 2010, be noted; and
- (2) in respect of savings which may have staffing implications, the Chief Executive ensure that the Council’s Redundancy Policy be followed, including the exploration of options (such as reduced hours, early and flexible retirements, offer of lower graded jobs and redeployment) and that informal and formal consultation with the staff affected and with Unison be undertaken in accordance with that policy.”

The Leader believed that the Council should consider savings in terms of the service implications for the public and that any consequential staffing implications were the responsibility of the Chief Executive.

Councillor M Wood welcomed the additional recommendation and believed this would reassure the Staff Side.

In response to a question by Councillor Mrs M H Goldspink, the Leader referred to the Environment Scrutiny Committee’s comments and that consultation with residents was provided for by recommendation (C).

Councillor A M Graham moved (seconded by Councillor M Wood) that further consideration be given to the arts in the same way that the Museums service had been identified for further review in recommendation (C). He referred to the need to look at using existing budgets to attract external funding and thus achieve better value for the council taxpayer.

The Executive Member for Community Development, Leisure and Culture referred to her comments earlier in the meeting regarding the overall review of arts provision. The Executive Member for Resources and Internal Support stated that it was difficult to accept this amendment as there was nothing specific to the savings identified.

The Leader gave an assurance that, as part of the forthcoming budget cycle, he would welcome Councillor A M Graham's invitation to work together. He did not believe that the proposed recommendations would compromise this. Councillor A M Graham agreed to withdraw his amendment on this basis.

RESOLVED – that (A) in respect of Minute 229 – Financial Strategy 2011: MTFP Update: Emergency Budget Proposals, an additional recommendation (F) be approved as follows:

- (1) the concerns of the Local Joint Panel meeting of 16 September 2010, be noted; and
  - (2) in respect of savings which may have staffing implications, the Chief Executive ensure that the Council's Redundancy Policy be followed, including the exploration of options (such as reduced hours, early and flexible retirements, offer of lower graded jobs and redeployment) and that informal and formal consultation with the staff affected and with Unison be undertaken in accordance with that policy.
- (B) the Minutes of the Executive meetings held on 13 July and 7 September 2010, be received, and the recommendations contained therein, be adopted.

## 292 MINUTES OF COMMITTEES

### (A) AUDIT COMMITTEE – 28 JUNE 2010

RESOLVED – that the Minutes of the Audit Committee meeting held on 28 June 2010, be received.

### (B) DEVELOPMENT CONTROL COMMITTEE – 30 JUNE 2010

RESOLVED – that the Minutes of the Development

Control Committee meeting held on 30 June 2010, be received.

(C) STANDARDS COMMITTEE – 6 JULY 2010

RESOLVED - that the Minutes of the Standards Committee meeting held on 6 July 2010, be received.

(D) CORPORATE BUSINESS SCRUTINY COMMITTEE – 20 JULY 2010

RESOLVED - that the Minutes of the Corporate Business Scrutiny Committee meeting held on 20 July 2010, be received.

(E) LICENSING COMMITTEE – 22 JULY 2010

RESOLVED - that the Minutes of the Licensing Committee meeting held on 22 July 2010, be received, and the recommendation contained therein be adopted.

(F) COMMUNITY SCRUTINY COMMITTEE – 27 JULY 2010

RESOLVED - that the Minutes of the Community Scrutiny Committee meeting held on 27 July 2010, be received.

(G) DEVELOPMENT CONTROL COMMITTEE – 28 JULY 2010

In respect of Minute 173 – Application no 3/10/0308/FP, Councillor G Scrivener expressed his disagreement with the resolution as recorded. The Committee Chairman stated that the Minute had been approved as a correct record by the Committee at its next meeting.

RESOLVED – that the Minutes of the Development Control Committee meeting held on 28 July 2010, be received.

(H) HUMAN RESOURCES COMMITTEE – 29 JULY 2010

In respect of Minute 191 – Draft 2009/10 Annual Governance Statement, the Committee Chairman asked Council to note that he would be seeking an amendment at the next Human Resources Committee meeting, seeking to clarify that the actions in recommendations (A) and (B) would be undertaken by the Audit Committee.

RESOLVED - that the Minutes of the Human Resources Committee meeting held on 29 July 2010, be received.

(I) STANDARDS COMMITTEE – 2 AUGUST 2010

RESOLVED - that the Minutes of the Standards Committee meeting held on 2 August 2010, be received.

(J) CORPORATE BUSINESS SCRUTINY COMMITTEE – 24 AUGUST 2010

RESOLVED - that the Minutes of the Corporate Business Scrutiny Committee meeting held on 24 August 2010, be received.

(K) DEVELOPMENT CONTROL COMMITTEE – 25 AUGUST 2010

RESOLVED – that the Minutes of the Development Control Committee meeting held on 25 August 2010, be received.

(L) STANDARDS COMMITTEE – 8 SEPTEMBER 2010

In respect of Minute 246 – Complaint in respect of a Councillor EHDC/01/2010, some Members expressed concern about the accuracy of the wording of recommendation (B).

RESOLVED - that the Minutes of the Standards

Committee meeting held on 8 September 2010, be received.

(M) ENVIRONMENT SCRUTINY COMMITTEE -14  
SEPTEMBER 2010

RESOLVED - that the Minutes of the Environment Scrutiny Committee meeting held on 14 September 2010, be received.

(N) AUDIT COMMITTEE – 15 SEPTEMBER 2010

RESOLVED – that the Minutes of the Audit Committee meeting held on 15 September 2010, be received.

293 INDEPENDENT REMUNERATION PANEL

The Director of Internal Services submitted a report updating Council on progress made in seeking potential recruits to the Independent Remuneration Panel (IRP). Following the decisions taken at the Annual Council meeting on 12 May 2010, Officers had sought expressions of interest and these were detailed in the report now submitted. The Head of Democratic and Legal Support Services updated Council on the latest information that had been received since the report had been issued.

The Leader believed that Council could not constitute the IRP on the basis of the information currently available and suggested that Officers should seek further details from those expressions of interest, as well as holding open the deadline for new expressions of interest until 1 October 2010. He suggested that Council could be invited to convene the IRP at its meeting in December 2010, with the first meeting of the Panel being held in January 2011.

Councillor K A Barnes expressed concern over which other local authority IRPs had been approached and whether any from outside of Hertfordshire had been sought. He referred to the expressions of interest and the apparent disproportionate number from Hertford and Sawbridgeworth at the expense of

Bishop's Stortford and Ware. He also commented that there did not appear to be any Independents or Liberal Democrats in the list now submitted and asked how the Council could ensure the independence of the Panel as well as the public perception of this independence.

The Director of Internal Services responded by reiterating the Council's decision on the constituencies of the Panel as detailed at paragraph 1.2 of the report submitted. He confirmed that all Hertfordshire Authorities had been approached.

In response to a question from Councillor D A A Peek, the Director of Neighbourhood Services confirmed that any potential IRP member could not serve as a District Councillor as well.

Council agreed to defer the constitution of the IRP until the next meeting pending receipt of the further information now detailed.

RESOLVED – that the constitution of the Independent Remuneration Panel be deferred to the next meeting, pending further information being obtained on each expression of interest.

## 294 STREET NAMING AND NUMBERING POLICY

The Leader of the Council submitted a report seeking to amend the Council's Street Naming and Numbering Policy in respect of the use of house names in new small scale developments.

Council approved the amended policy as now detailed.

RESOLVED – that the Council's Street Naming and Numbering Policy be qualified by allowing the use of house names in (new) small scale developments of up to six properties, provided no objection is raised by Royal Mail.

295 MEMBER ROLE DESCRIPTIONS

The Executive Member for Community Development, Leisure and Culture submitted a report on Member role descriptions. This would, among other things, be used as a public information tool on the varying roles and responsibilities of Members, which would be of interest to potential candidates at the District Council elections in May 2011.

Council considered and approved a number of amendments as follows:

- Page 247 (no 4) – substitute “peace” for “conflict”
- Page 248 (no 1) – include housing associations as a key contact
- Page 249 (no 5) – delete “Internal”

In response to questions from Councillor T Milner, the Head of Democratic and Legal Support Services confirmed that the role descriptions would be made available to the Independent Remuneration Panel (IRP) for their consideration and that they should be used as guidance to Members and were not part of any performance management framework.

Council approved the role descriptions as now amended.

RESOLVED – that the Member Role Descriptions, as now amended, be adopted.

The meeting closed at 9.07 pm

Chairman	.....
Date	.....

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MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 12 OCTOBER 2010, AT 7.00 PM

PRESENT: Councillor A P Jackson (Chairman/Leader)  
Councillors M R Alexander, M G Carver,  
L O Haysey and R L Parker

ALSO PRESENT:

Councillors D Andrews, S A Bull,  
Mrs R F Cheswright, R N Copping,  
A D Dodd, J Hedley, J Mayes,  
M P A McMullen and C Woodward

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
Caroline Goss	- Communications Officer
Martin Ibrahim	- Senior Democratic Services Officer
Alan Madin	- Director of Internal Services
George A Robertson	- Director of Customer and Community Services

305 APOLOGIES

An apology for absence was submitted on behalf of Councillor  
M J Tindale.

306 LEADER'S ANNOUNCEMENTS

The Leader reminded Members that, “purdah” rules now applied until the Hunsdon by-election on 11 November 2010. These rules existed to ensure that there was no risk of public funds being used and/or actions undertaken to support one particular political party or individual.

307 PROPOSED DESIGNATED PUBLIC PLACES ORDER (DPPO) IN SAWBRIDGEWORTH

**The Executive Member for Community Safety and Protection submitted a report requesting the Council to use the powers under section 13 of the Criminal Justice and Police Act 2001 to make a Designated Public Places Order (DPPO) for parts of Sawbridgeworth, in order to reduce alcohol related anti-social behaviour and crime.**

**The Executive recalled that, the Council had previously approved DPPOs for areas of Hertford and Ware. The Executive Member stated these had proved successful in reducing alcohol related anti-social behaviour and crime. He detailed the proposed area to be included within the Order, the analysis of crime statistics and the outcome of the statutory consultation with the local community.**

**Councillor A D Dodd, as a local ward Member, expressed full support for the proposals.**

**The Executive supported the recommendation as now detailed.**

**RECOMMENDED - that the proposed Designated Public Places Order (DPPO) in Sawbridgeworth be approved.**

308 **STRATEGIC HOUSING MARKET ASSESSMENT -  
VIABILITY ASSESSMENT FOR LONDON COMMUTER  
BELT (EAST)/M11 SUB REGION - FINAL REPORT  
(AUGUST 2010)**

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The Executive considered and supported the recommendations of the Local Development Framework Executive Panel, made at its meeting held on 23 September 2010, in respect of the Strategic Housing Market Assessment – Viability Assessment for London Commuter Belt (East)/M11 Sub Region – (August 2010).

**RECOMMENDED** - that the Strategic Housing Market Assessment – Viability Assessment for London Commuter Belt (East)/M11 Sub Region – (August 2010) be agreed and published as a technical study, forming part of the evidence base to inform and support the Local Development Framework (LDF), and for planning policy and housing strategy purposes.

(see also Minute 318 below)

309 **EAST HERTS PLAYING PITCH STRATEGY AND  
OUTDOOR SPORTS ASSESSMENT (JULY 2010)**

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The Executive considered and supported the recommendations of the Local Development Framework Executive Panel, made at its meeting held on 23 September 2010, in respect of the East Herts Playing Pitch Strategy and Outdoor Sports Assessment – July 2010.

**RECOMMENDED** – that the East Herts Playing Pitch Strategy and Outdoor Sports Assessment – July 2010 be agreed and published:

(A) as a technical study, forming part of the evidence base, to inform and support the East Herts Local Development Framework;

**(B) as a basis for informing future Development Control decisions concerning development which affects playing pitches and outdoor sports facilities; and**

**(C) as a basis for informing the Sports and Active Recreation Facilities Strategy (part of the Facilities Improvement Scheme) and any Action Plans contained therein.**

**(see also Minute 318 below)**

**310 HERTFORDSHIRE RENEWABLE AND LOW CARBON ENERGY TECHNICAL STUDY (JULY 2010)**

**The Executive considered and supported the recommendations of the Local Development Framework Executive Panel, made at its meeting held on 23 September 2010, in respect of the Hertfordshire Renewable and Low Carbon Energy Technical Study (July 2010).**

**RECOMMENDED - that the Hertfordshire Renewable and Low Carbon Energy Technical Study (July 2010) be agreed and published as a technical study, forming part of the evidence base, to inform and support the East Herts Local Development Framework.**

**(see also Minute 318 below)**

**311 LOCAL DEVELOPMENT FRAMEWORK EVIDENCE BASE - TECHNICAL STUDIES 2009/10 AND 2010/11**

**The Executive considered and supported the recommendations of the Local Development Framework Executive Panel, made at its meeting held on 23 September 2010, in respect of the Local Development Framework Evidence Base – Technical Studies 2009/10 and 2010/11.**

**RECOMMENDED** – that (A) it be noted that the technical studies listed in Essential Reference Paper ‘B’ to the report now submitted, which are due for completion, already underway or proposed to be undertaken during 2010/11, contribute to the Local Development Framework Evidence Base;

(B) the technical studies referred in (A) above be completed or undertaken by means of:

- (i) seeking competitive quotes or tenders, as appropriate, to engage consultants, with the costs being met from the 2010/11 Planning Policy/Local Development Framework budgets for such purposes; and/or
- (ii) partnership working where appropriate, with neighbouring authorities and other relevant partners; and

(C) the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Transport, be given authority to approve funding, within the limits of the 2010/11 Planning Policy/Local Development Framework budgets, for such other relevant planning policy studies, as may be deemed appropriate.

(see also Minute 318 below)

312 MINUTES

**RESOLVED** – that the Minutes of the Executive meeting held on 7 September 2010 be approved as a correct record and signed by the Leader.

313 ISSUES ARISING FROM SCRUTINY

The Executive received a report detailing those issues referred to it by the Scrutiny Committees. Issues relating to specific reports for the Executive were considered and

detailed at the relevant report of the Executive Member.

RESOLVED – that the report be received.

314 PARKING ENFORCEMENT AND MANAGEMENT  
CONTRACT: EVALUATION AND AWARD CRITERIA

The Executive Member for Planning Policy and Transport submitted a report on the evaluation and award criteria for the Parking Enforcement and Management contract, which would be let after the current contract expired in January 2012.

The Environment Scrutiny Committee, at its meeting held on 14 September 2010, had considered and supported the recommendations as now detailed.

It was proposed that the contract would be based on a model devised by the British Parking Association and would be awarded on the basis of a 50:50 split between price and quality.

The Executive approved the proposals as now detailed.

RESOLVED – that (A) the comments of the Environment Scrutiny Committee be received; and

(B) the tender evaluation and award criteria for the parking enforcement and management contract, as now detailed, be approved.

315 REVENUES AND BENEFITS OPTIONS IN EAST HERTS  
AND STEVENAGE

The Executive Members for Resources and Internal Support and Housing and Health submitted a joint report advising on the options that had been considered by the interim joint management team in respect of shared Revenues and Benefits services in East Herts and Stevenage.

Further to the Executive decision on 13 July 2010, the joint team had explored the various options as now detailed in the

report submitted. The Executive Members proposed the preferred option of creating a shared service under a joint governance model.

The Executive approved the proposal as now detailed.

RESOLVED - that the option to create a shared service with Stevenage under a joint governance model be approved.

### 316 EXECUTIVE ARRANGEMENTS

The Leader of the Council submitted a report on the results of the public engagement exercise on executive arrangements as required by the Local Government and Public Involvement in Health Act 2007. The Act had introduced two models on which the Council had been required to consult on, namely, a directly elected Mayor and Executive and an elected Leader and Executive.

The Leader advised that 46 responses had been received, which represented 0.33% of the population in the District.

The Executive, having considered the economy, efficiency, and effectiveness of the current elected Leader and Executive model, supported the adoption of this model. It was noted that an Extraordinary meeting of Council would consider the matter on 8 December 2010.

RESOLVED – that Extraordinary Council be recommended to (A) note the results of the consultation exercise in respect of the two models; and

(B) having regard for the economy, efficiency and effectiveness of the elected Leader and Executive model, this option be adopted and implemented three days after the next District elections in May 2011.

317 MONTHLY CORPORATE HEALTHCHECK - AUGUST 2010

The Leader of the Council submitted an exception report on finance and performance monitoring for the month of August 2010.

The Executive approved the proposals as now detailed.

RESOLVED – that (A) the budgetary variances set out in paragraph 2.1 of the report submitted, be noted;

(B) the reporting of the data for the new local crime indicators from the September Corporate Healthcheck report onwards, be noted; and

(C) the capital bid for a supplementary estimate of £65k relating to works at the Southern Country Park, as detailed at paragraph 2.30 of the report submitted, be approved.

318 LOCAL DEVELOPMENT FRAMEWORK (LDF) EXECUTIVE PANEL

RESOLVED – that the Minutes of the Local Development Framework Executive Panel meeting held on 23 September 2010, be received.

(see also Minutes 308 – 311 above)

The meeting closed at 7.25 pm

Chairman .....
Date .....



MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 9 NOVEMBER 2010, AT 7.00 PM

PRESENT: Councillor A P Jackson (Chairman/Leader)  
Councillors M R Alexander, M G Carver,  
L O Haysey, R L Parker and M J Tindale

ALSO PRESENT:

Councillors D Andrews, S A Bull, R Gilbert,  
P Grethe, J Hedley, J Mayes and P A Ruffles

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Senior Democratic Services Officer
Alan Madin	- Director of Internal Services
Lois Prior	- Head of Strategic Direction (shared) and Communications Manager
George A Robertson	- Director of Customer and Community Services

361 LEADER'S ANNOUNCEMENTS

The Leader welcomed the press to the meeting.

The Leader reminded Members that, “purdah” rules now applied until the Hunsdon by-election on 11 November 2010.

These rules existed to ensure that there was no risk of public funds being used and/or actions undertaken to support one particular political party or individual.

Finally, the Leader advised that an additional Executive meeting would be held on 1 December 2010, the papers for which would be circulated in due course.

### 362 DECLARATIONS OF INTEREST

Councillor L O Haysey declared a personal interest in the matter referred to at Minute 365 – Lottery Partnership Capital Funding for Hertford Museum, in that she was a member of Hertford Civic Society.

Councillor D Andrews declared a personal and prejudicial interest in the matter referred to at Minute 369 – Disposal of Land at northern edge of Hartham Lane, Hertford, in that he was worked within the Sainsbury's group. He left the chamber whilst this matter was considered.

### 363 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 12 October 2010 be approved as a correct record and signed by the Leader.

### 364 ISSUES ARISING FROM SCRUTINY

The Executive noted that there had not been any issues raised since the previous meeting.

RESOLVED – that the report be received.

### 365 LOTTERY PARTNERSHIP CAPITAL FUNDING FOR HERTFORD MUSEUM

The Executive Member for Community Development, Leisure and Culture submitted a report on a request from Hertford Museum for an additional capital grant of £10,000 in 2010/11, as partnership funding towards the cost of the Museum's

major redevelopment project.

The Executive Member outlined the previous £100k capital support given by the Council towards the overall project, which had attracted £985k funding from the Heritage Lottery Fund. She also detailed the Museum's income and expenditure costs and the shortfall of £16k for retentions to pay for the building work and fit out.

The Executive raised various questions relating to the original capital allocations and whether the latest request was to meet capital expenditure. Officers confirmed that, the information now detailed in the report submitted, was the best available. In view of the need for further clarification of the capital expenditure to date on this project and the nature of the latest request for information, the Executive agreed that the request be deferred pending a further report.

RESOLVED – that the request be deferred pending further clarification of the capital expenditure to date on this project and the nature of the latest request.

#### 366 PROPOSED TABLE OF FARES FOR HACKNEY CARRIAGES

The Executive Member for Community Safety and Protection submitted proposals for implementing an increase in the Table of Fares for hackney carriages. The proposed changes had been drawn up following industry requests for a review, as a result of fuel price increases and the anticipated rise in VAT.

The Executive noted that the proposals would be subject to public consultation and that, if any objections were received, a further report would be submitted.

The Executive approved the proposals as now detailed.

RESOLVED – that the recommended changes to the Table of Fares, as detailed at Appendix 'A' of the report now submitted, be approved for implementation from 10 January 2011.

367 MONTHLY CORPORATE HEALTHCHECK - SEPTEMBER 2010

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The Leader of the Council submitted an exception report on finance and performance monitoring for September 2010.

The Executive approved the proposals as now detailed.

RESOLVED – that (A) the budgetary variances set out in paragraph 2.2 of the report submitted be noted;

(B) the new local performance indicator sickness absence targets, as detailed at paragraph 2.19 of the report submitted be noted;

(C) a supplementary estimate of £15k be approved in the capital programme in respect of wheeled bins, to be funded by bringing forward this sum from the provision made for 2011/12;

(D) £68,740 of the Renew Roof Covering to Ward Freeman Pool capital budget be re-profiled into 2011/12;

(E) £14,000 of the Automated Payment Machines capital budget be re-profiled into 2011/12;

(F) the Strategic Risk Register, as detailed at Essential Reference Paper 'F', for the period August and September 2010, be noted; and

(G) the deletion of the National Indicator set and a review of the current basket of performance indicators being planned, be noted.

368 EXCLUSION OF PRESS AND PUBLIC

The Executive passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public during consideration of the business referred

to at Minute 369 below on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the said Act.

369 DISPOSAL OF LAND AT NORTHERN EDGE OF HARTHAM LANE, HERTFORD

The Executive Member for Resources and Internal Support submitted a report seeking approval for the disposal of small parcels of land to Sainsbury Supermarket Ltd and the dedication of land to Hertfordshire County Council.

The Executive approved the proposals on the terms detailed in the report now submitted.

RESOLVED - that the Council disposes of various parcels of land totalling 138 square metres at the northern junction of Hartham Lane, Hertford to Sainsbury Supermarket Ltd on the terms agreed and dedicates 2 parcels of land to Hertfordshire County Council, as detailed in the report submitted.

The meeting closed at 7.23 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 22 SEPTEMBER 2010, AT  
7.00 PM

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PRESENT: Councillor W Ashley (Chairman)  
Councillors M R Alexander, K A Barnes,  
S A Bull, Mrs R F Cheswright, R N Copping,  
J Demonti, R Gilbert, Mrs M H Goldspink,  
D A A Peek, S Rutland-Barsby, J J Taylor,  
R I Taylor, B M Wrangles, D Andrews and  
A L Warman.

ALSO PRESENT:

Councillors K Darby and R A K Radford.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

267 APOLOGIES

Apologies for absence were submitted on behalf of Councillors A L Burlton and G E Lawrence. It was noted that Councillors A L Warman and D Andrews were in attendance as substitutes for Councillors A L Burlton and G E Lawrence

respectively.

268 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that application 3/10/1235/FP had been withdrawn; that application 3/10/1152/FP had been deferred for further consideration of Traffic Regulation Order issues and that application E/10/0156/ had been deferred by Officers.

The Chairman reminded Members regarding the arrangements for training on 29 September 2010.

269 DECLARATIONS OF INTEREST

Councillor B M Wrangles declared a personal interest in applications 3/10/1227/FO, 3/10/1226/FO and E/10/0126B in that she was a personal friend of the applicant.

Councillor D Andrews declared a personal interest in application 3/10/1334/FP in that he had a working relationship with the applicant's wife.

Councillor R N Copping declared a personal and prejudicial interest in applications 3/10/1227/FO, 3/10/1226/FO and E/10/0126B in that he was a regular customer of the garden centre. He left the room during consideration of these matters.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in applications 3/10/1227/FO, 3/10/1226/FO and E/10/0126B. She left the room during consideration of these matters.

Councillors Mrs R F Cheswright declared a personal interest in applications 3/10/1227/FO, 3/10/1226/FO and E/10/0126B in that she was a customer of the garden centre.

Councillor A L Warman declared a personal interest in



application 3/10/1198/FP in that he knew the objector representing Molewood Residents' Association.

270 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 25 August 2010 be confirmed as a correct record and signed by the Chairman.

271 3/10/1198/FP - ERECTION OF 97 RESIDENTIAL UNITS AND ASSOCIATED CAR PARKING, ACCESS, AMENITY SPACE AND LANDSCAPING AT LAND AT SACOMBE ROAD, HERTFORD FOR FAIRVIEW NEW HOMES

Mr Lupton spoke addressed the Committee in opposition to the application. Mr Gough spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/10/1198/FP, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 planning permission be granted subject to the conditions now detailed.

The Director provided Members with a summary of additional representations received after completion of the report and a list of proposed amendments to the report now presented.

Councillor K Darby stated that she did not support the proposal adding that the application did not fit with the character of the area and referred to the considerable number of letters submitted objecting to the proposal. She referred to the lack of community facilities and the difficulties in relation to traffic into and out of the development. She queried how the community would be integrated with its neighbours. In summary she stated that there were too many unit, it was incompatible with the area, the traffic issues and the danger of it becoming a "poor" neighbour with the character of the area.

Councillor R N Copping referred to the design of the garages and issues relation to social housing. The Director provided clarification on these issues and stated that on balance with a number of “tweaks” officers were able to recommend approval of the scheme.

Councillor R Gilbert referred to the density of the development and of the traffic issues difficulties which would be created in Bullsmoor Lane and Vicarage Lane. The Director stated that the traffic issues relating to the scheme had been taken into account as part of a traffic assessment undertaken by the applicant and endorsed by Hertfordshire Highways. He suggested that a Directive be added to the conditions relating to Bullsmoor and Vicarage Lane.

Councillor K Barnes was concerned that 127 Bengo residents had been consulted and that the proposals should have required a consultation for the whole of Bengo. He was concerned at the loss of a green field site and of the fact that Bengo was a rat run. He felt that the development was “huge”, that local people were not happy with the proposal and the traffic issues.

Councillor D Andrews felt that flats were in appropriate in that part of Bengo and was very concerned about parking and a possible shortfall in the Council’s policy. He stated that 97 units was too large.

The Director addressed Members’ concerns regarding the traffic aspects, parking policies and the size of the development.

Councillor S A Bull felt that the application was out of keeping with the area, the density of the units and the need to challenge highways officers on their views.

Councillor Mrs M H Goldspink accepted that the area was designated for housing but was concerned about the adequacy of the parking and stated that Officers should

ask for something closer to its maximum parking standards. She queried parking provision for visitors given that there was no outside provision.

The Director assured the Member that the Council's Policies in terms of parking had been met. He stated that given the site's location had been designated for residential development. He acknowledged that overspills did occur if inadequate parking was available but that this would be at the less busy time for highway use of evening and at weekends.

Councillor S Rutland-Barsby queried what the Council's position might be if Members refused the application based on density. The Director explained that it would be inappropriate to refuse permission solely on the basis of an identified density number. It would be necessary to articulate what it is about that density that the Council finds unacceptable.

Councillors Mrs R Cheswright referred to the fact that even the County Council did not support this type of development. She stated that Highways Officers comments about only 10% of cars would drive north were wrong. It was a busy area.

Councillor B M Wrangles and Councillor D A A Peek acknowledged Members comments adding that no one had put forward a planning reason for refusal.

Councillor R I Taylor suggested that rather than cramming as many homes on the site, the developers should be considering the amenity of people who will live on the site.

Councillor J J Taylor stated that at the last Highways Joint Member Panel half of the meeting was taken up discussing unresolved traffic issues in this area. She suggested that traffic issues must be a viable reason to refuse the application.

The Director assured Members that the transport and

traffic issues that been assessed and that it was not reasonable to now suggest that it had not been taken into account.

Members noted the summary of representations provided by the Director of Neighbourhood Services and supported the inclusion of a Directive in relation to Bullsmoor Lane and Vicarage Lane.

After being put the to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/10/1198/FP be granted subject to the conditions now detailed.

RESOLVED – that (A) subject to the applicant or successor in title varying the legal agreement signed under application 3/10/1198/FP pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

1. To provide 39 units of affordable housing with tenure and mix to be agreed. If grant funding of up to £25,000 is received per unit then the breakdown shall be 54% rented 46% intermediate housing. If more than £25,000 is received per unit, then the proportion of rented units shall increase as agreed in writing with the Local Planning Authority.
2. To provide 15% Lifetime Homes;
3. £128,375 towards Sustainable Transport initiatives;
4. £254,830 towards Primary Education;
5. £226,531 towards Secondary Education;

6. £34,140 towards Nursery Education;
7. £13,679 towards Childcare;
8. £4,398 towards Youth facilities;
9. £17,222 towards Libraries;
10. To revamp and improve the existing equipped area of play, and playing fields in accordance with a specification to be agreed plus up to £60,000 for future maintenance;
11. To establish management arrangements for private roads and landscaped amenity areas within the development site; and
12. £300 standard monitoring fee per obligation, therefore  $11 \times £300 = £3,300$ .

In respect of application 3/10/1198/FP planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Levels (2E05)
4. Boundary walls and fences (2E07)
5. Samples of materials (2E12)
6. Refuse disposal facilities (2E24)
7. Cycle Parking Facilities (2E29)
8. New Doors and Windows – unlisted buildings (2E34)

9. Carried Out in Accordance (2E92)
10. Wheel washing facilities (3V25)
11. Tree retention and protection (4P05)
12. Hedge retention and protection (4P06)
13. Landscape design proposals (4P12 e,i,j,k)
14. Landscape works implementation (4P13)
15. Vehicular use of garage (5U10)
16. Solar thermal and photovoltaic panels shall be installed prior to occupation in accordance with details to be submitted and approved in writing by the Local Planning Authority and shall be implemented as agreed.

Reason: In order to achieve the sustainable use of resources in accordance with policies SD1 and ENV1 of the East Herts Local Plan Second Review April 2007.

17. Prior to the commencement of development, a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to minimise and re-use/recycle construction waste, and to use recycled materials in the construction of the development.

Reason: To promote sustainable waste management in accordance with policies 3, 7 and 8 of the Waste Local Plan.

18. The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment, and in

particular that the surface water run-off generated by the 1 in 100 year critical storm event, accounting for the effects of climate change, shall not exceed the existing greenfield run-off rate from the undeveloped site or increase the risk of flooding off-site.

Reason: To minimise the risk of flooding in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and PPS25 'Development and Flood Risk'.

19. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. This shall include surface water run-off management through soakaways and how surcharge water will be contained within the site boundary. The scheme shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: To minimise the risk of flooding in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and PPS25 'Development and Flood Risk'.

20. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and

convenience.

21. No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The splays shall measure a minimum of 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 70m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the access and to make the access safe and convenient for the traffic that is likely to use it.

22. Before first occupation of each new dwelling, the access roads and parking areas serving that dwelling shall be provided in accordance with the approved plans.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles.

23. Construction of the development hereby approved shall not commence until details of construction vehicle movements and construction access arrangements have been submitted to and approved by the local planning authority.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.



24. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures shall be submitted to and approved in writing.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained in accordance with PPS23 'Planning and Pollution Control'.

25. Any clearance of vegetation carried out between 1<sup>st</sup> March and 30<sup>th</sup> September shall be supervised by a suitably qualified ecologist and preceded by a nesting bird survey which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the habitats of species which are a protected under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. The applicant is advised that in order to comply with this permission it will be necessary for the developer to enter into an agreement with the Highway Authority to ensure satisfactory completion of the access and associated road improvements. The applicant is advised to contact the Eastern Herts Highways Area Officer, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL (Tel 01438 757880) to obtain the requirements on the procedure to enter into the necessary S278 agreement with the Highway Authority prior to

the commencement of development.

3. Planning Obligation (08PO)
4. Street Naming and Numbering (19SN)
5. The applicant is advised that should reptiles be found during development, works must stop immediately and professional ecological advice taken on how to proceed. Natural England may need to be contacted on 01206 796666.
6. The Council advises that the applicant shall formulate a traffic management scheme relating to the delivery of construction plant and materials to the site and the removal of waste materials from the site. Once formulated, the scheme shall be submitted to the Council and be thereafter implemented.

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR8, TR13, ENV1, ENV2, ENV3, ENV9, ENV10, ENV16, ENV21, BH1, BH2, BH3, LRC3, HE2 and IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

272     3/10/1377/FP - DEMOLITION OF EXISTING STRUCTURES AND HARD STANDINGS AND REDEVELOPMENT WITH FOUR DWELLINGS AT BIRCH FARM, WHITE STUBBS LANE, BROXBORNE, EN10 7QA FOR MR AND MRS L. BARNES

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Mr Barnes spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1377/FP planning permission be refused for the reasons now detailed.

The Director explained that there was no in principle decision to grant planning permission for a residential development at this site. At the meeting in June 2010, some Members had expressed support but there were concerns about the lack of detail and the amount of development proposed. The application was then deferred to allow the applicant the opportunity of submitting a detailed application to address concerns with regard to the lack of detail and for a bat survey to be undertaken. The Director explained that the application site was on Metropolitan Green Belt land and that any decision to approve the application must have very special circumstances.

Councillor J J Taylor stated that at the meeting on 2 June 2010 the applicant was under the impression that outline permission had been granted. She felt that a residential development on Green Belt land was not appropriate as there were no special circumstances. She acknowledged that the land was an “eye-sore” and that this would tidy up the area but this did not constitute planning permission. Councillor Taylor felt that acceptance of the application would encourage further development on green belt sites.

Councillor R Gilbert confirmed that the application was deferred on 2 June 2010 for the application to undertake a bat survey and for him to submit a full application. He felt that the aim of green belt was to protect and enhance the quality of the countryside and that the proposal would enhance the area acknowledging that the existing buildings could not be refurbished. Councillor Gilbert suggested that the application should be supported under Policies GBC14 and ENV1. Councillor Gilbert reminded Members that they had gone against Policy before citing the Paradise Wildlife Park as an example.

Councillor K A Barnes suggested that the application had a lot of merit adding that he thought that the majority of Members in June were in favour of the application. He referred to supported of the application by Brickendon parish Council and 17 other letters of support.

The Director stated that Members needed to be mindful of approving an application in the green belt on the basis of tidying up the area. There should be sufficient very special circumstances to outweigh the clear national and local policy of development restraint in the green belt.

Councillor R I Taylor referred to the fact that the whole curtilage was not going to be developed and that the previous attempts to sell the land for equestrian uses had not been successful. He referred to asbestos being removed and felt that these were good reasons to allow planning permission.

Councillor M R Alexander queried whether the application, if approved would be referred to the Secretary of State for decision. The Director confirmed that it would be as it was a departure from Policy.

The Director stated that the main purposes of green belt was to retain the open character of the area. He felt that Members were being overly concerned about tidying up the site reminding Members that there did not appear to be sufficient very special circumstances to approve the application.

After being put the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1377/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1377/FP, planning permission be refused for the following reasons:

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case that clearly outweigh the harm, and the proposal is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
  
2. The proposed development, by reason of its scale, height and layout, would be out of keeping with the form and grain of development in the surrounding area, and the landscape character of the area contrary to policies ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007.

273 3/10/1227/FO - VARIATION OF CONDITION 9 (3/09/0939/FP) WHICH STATES 'THE USE OF THE PREMISES SHALL BE RESTRICTED TO THE HOURS 08.00 TO 23.00 MONDAY TO SATURDAY AND 10.00 - 22.00 ON SUNDAYS AND BANK HOLIDAYS' TO READ 'THE USE OF THE RESTAURANT BY CUSTOMERS SHALL BE RESTRICTED TO THE HOURS 08:00-23:00 MONDAY-SATURDAY AND 10:00-22:00 ON SUNDAY AND BANK HOLIDAYS' AT THE RIVERSIDE GARDEN CENTRE, LOWER HATFIELD ROAD, BAYFORD, HERTFORD, HERTS, SG13 8XX FOR RIVERSIDE GARDEN CENTRE LTD

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1227/FO, planning permission be granted subject to the conditions now detailed. The Director explained that the application to vary condition 9 would remove the restrictive

requirements of the condition in relation to the garden centre use.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1227/FO be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1227/FO planning permission be granted and the condition be varied as follows:

1. 'The use of the restaurant by customers shall be restricted to the hours 08:00-23:00 Monday-Saturday and 10:00-22:00 on Sunday and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.'

(Councillors R N Copping and S Rutland-Barsby left the room during consideration of this application).

274 3/10/1226/FO - VARIATION OF CONDITION 9 (3/09/0939/FP) WHICH STATES 'THE USE OF THE PREMISES SHALL BE RESTRICTED TO THE HOURS 08.00 TO 23.00 MONDAY TO SATURDAY AND 10.00 - 22.00 ON SUNDAYS AND BANK HOLIDAYS' TO READ 'THE USE OF THE RESTAURANT BY CUSTOMERS SHALL BE RESTRICTED TO THE HOURS 08:00-23:00 MONDAY-WEDNESDAY, 08:00-00:00 THURSDAY-SATURDAY AND 10:00-22:00 ON SUNDAY AND BANK HOLIDAYS UNLESS OTHERWISE AGREED IN WRITING WITH THE COUNCIL' AT THE RIVERSIDE GARDEN CENTRE, LOWER HATFIELD ROAD

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1226/FO planning permission be granted subject to the conditions now detailed.

Councillor M R Alexander stated that the applicant could apply to vary the application for special events such as

New Year and suggested that a restriction should be placed on this i.e. between 4-6 requests to vary. This was supported.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1226/FO be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1226/FO, planning permission be granted subject to the following condition:

1. The use of the restaurant by customers shall be restricted to the hours 08:00 – 23:00 Monday – Wednesday, 08:00 – 00:00 (midnight) Thursday – Saturday and 10:00 – 22:00 on Sunday and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority. The number of amendments to be up to a maximum of 6 occasions within any calendar year.

(Councillors R N Copping and S Rutland-Barsby left the room during consideration of this application.

275 3/10/1178/FP - AMENDMENT TO LPA REFERENCE 3/09/0118/FP TO PROVIDE 2 INDUSTRIAL/WAREHOUSE UNITS (B1C, B2, AND B8) WITH ANCILLARY OFFICE AND AMENITY ACCOMMODATION AT 4 - 6 RAYNHAM ROAD INDUSTRIAL ESTATE, RAYNHAM ROAD, BISHOP'S STORTFORD, CM23 5PB FOR HOWARD STANSTED LIMITED

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1178/FP planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application

3/10/1178/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1178/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Levels (2E05)
3. Materials arising from demolition (2E32)
4. Provision and retention of parking spaces (3V234)
5. Wheel Washing Facilities (3V25)
6. Prior to the commencement of the development hereby approved, details of noise attenuation measures to be used in the design and construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: In the interests of the amenities of nearby residents, in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

7. Prior to the commencement of works on site, details of the design of building foundations shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and thereafter implemented in accordance with the approved details.

Reason: To ensure the protection of



groundwater from contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

8. Prior to the commencement of the development, a surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and thereafter implemented in accordance with the approved plan.

Reason: To ensure the protection of groundwater from contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

9. No external working (6N06)
10. Construction hours of working- plant & machinery (6N072)
11. Tree retention and protection (4P053)
12. Tree planting (4P154)
13. No external loudspeakers (2E253)
14. The buildings hereby permitted shall be used for Class B1c, B2 and B8 and for no other purposes including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason: To ensure that no alternative use is made of the premises which would be likely to result in a need for additional parking.

Directives:

1. Other legislation (01OL1)
2. In relation to condition 7 piling or other

foundation designs using penetrative methods are unlikely to be deemed acceptable.

3. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
4. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular saved policies ENV1, ENV2, ENV20, ENV23, ENV24, EDE1, EDE4, BIS9 and TR7. The balance of the considerations having regard to those policies and approval of planning permission within LPA reference 3/09/0118/FP is that permission should be granted.

276      3/10/1209/FP - ERECTION OF FENCING AND GATES TO FRONT AND FLANK BOUNDARIES AT HIGH WYCH JMI PRIMARY SCHOOL, HIGH WYCH ROAD, SAWBRIDGEWORTH, CM21 0JB FOR HIGH WYCH SCHOOL

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1209/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application

3/10/1209/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1209/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Samples of Materials (2E12) - amended

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular 'saved' policies GBC1, ENV1, BH6 and PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

- 277 A) 3/10/1095/FP AND B) 3/10/1096/LB - PART SINGLE AND PART TWO STOREY SIDE EXTENSIONS, INTERNAL ALTERATIONS AND DEMOLITION OF EXISTING SIDE EXTENSION AT 1, BURY GREEN COTTAGE, BURY GREEN, LITTLE HADHAM, SG11 2EY FOR MR FANKHAM

The Director of Neighbourhood Services recommending that, in respect of application 3/10/1095/FP planning permission be granted subject to the condition now detailed. The Director also recommended that, in respect of application 3/10/1096/LB listed building consent be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1095/FP and 3/10/1096/LB be granted subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/10/1095/FP, planning permission be granted subject to the following condition:

1. Three year time limit (1T12).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV2, ENV5, ENV6 and BH6. The balance of the considerations having regard to those policies and the limited harm to the character, appearance or openness of this rural area is that permission should be granted.

(B) in respect of application 3/10/1096/LB, listed building consent be granted subject to the following conditions:

1. Listed building three year time limit (1T14)
2. Samples of Materials (2E12)
3. Listed building (New Windows) (8L03)
4. Listed Building (New Doors) (8L04)
5. Listed Building (New Brickwork) (8L06)
6. Listed Building (New External Rendering) (8L08)
7. Listed Building (Rainwater Goods) (8L09)
8. Listed building (Making Good) (8L10)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that consent should be granted.

278 3/10/1252/FP - 1 ½ STOREY REAR EXTENSION WITH NEW RAISED ROOF AND PROVISION OF DORMER WINDOWS AT LOWER FARM BUNGALOW, EAST END, FURNEUX PELHAM, SG9 0JT FOR MRS ELLIMAN

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1252/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1252/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1252/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)

Directive:

1. Other legislation (01OL1)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste

Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and the limited harm to the character and appearance or openness of this rural site from the development, is that permission should be granted.

279 3/10/1334/FP - REAR CONSERVATORY AT BARN COTTAGE, DASSELS, BRAUGHING, SG11 2RW FOR MR LANGLEY

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The Director of Neighbourhood Services recommended that in respect of planning application 3/10/1334/FP, planning permission be refused for the reason now detailed.

Councillor Mrs R Cheswright stated that the conservatory was modest and that the proposal was in keeping with the character of the area and should be approved.

Councillor R N Copping stated that the conservatory was not large and supported approval of the application.

Councillor D Andrews supported the application.

After being put to the vote, the Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1334/FP be refused and granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1334/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)

Summary of Reasons for Decision

The proposal has been considered with regard to

the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

280 3/10/0917/FP - SINGLE STOREY FRONT AND SIDE EXTENSION AT 1 BLUE HILL FARM COTTAGES FOR MR COLIN STANLEY

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0917/FP planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0917/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0917/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Matching Materials (2E13)

Directive:

1. Other legs (010L).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local

Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

281 E/10/0126/B - A) BREACH OF CONDITION 11 OF PLANNING PERMISSION 3/09/0939/FP IN RESPECT OF FLOOD RISK ASSESSMENT AND B) UNAUTHORISED ERECTION OF A MARQUEE AT RIVERSIDE GARDEN CENTRE, LOWER HATFIELD ROAD, HERTFORD, SG13 8XX

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The Director of Neighbourhood Services recommended that, in respect of the site relation to E/10/0126/B no further action be taking in respect of the breach of condition 11 and that the Director of Neighbourhood Services in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised marquee from the land.

The committee noted that no further action being proposed in relation to condition 11 of 3/09/0939/FP was in reflection of further work that had been undertaken by the applicant and Officers to ensure that the issues addressed by that condition were satisfactorily dealt with.

After being put to the meeting and a vote taken the Committee supported the recommendation of the Director of neighbourhood Services that, no further action be taken in relation to the breach of condition 11 on planning permission reference 3/09/0939/FP and that enforcement action be taken be authorised in respect of the site relation to E/10/0126/B on the basis now detailed.

RESOLVED – that (A) no further action be taken in relation to the breach of condition 11 on planning permission reference 3/09/0939/FP; and



(B) that in respect of application E/10/0126B the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised marquee from the land.

Period for compliance: 28 days.

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the development is therefore be contrary to saved policy GBC1 of the East Herts Local Plan Second Review April 2007 and to national policy contained in paragraph 3.4 of PPG2.
2. The marquee, by reason of its size, siting and detailed appearance is detrimental to the openness and character of the surrounding area and is therefore contrary to saved policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

(Councillors R N Copping and S Rutland-Barsby left the room during consideration of this application.

282 E/10/0072/B - UNAUTHORISED EXTENSIONS TO DANES LODGE, 36 LITTLE BERKHAMSTED LANE, LITTLE BERKHAMSTED, SG13 8LU

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The Director of Neighbourhood Services recommended that, in respect of the site relation to E/10/0072/B enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relation to E/10/0072/B on the basis now detailed.

RESOLVED – that in respect of E/10/0072/B the Director of Neighbourhood Services in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 712 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development from the land.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation; limited extensions to existing dwellings or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the development is not considered to constitute a limited extension. It is therefore contrary to saved

policy GBC1 of the East Herts Local Plan Second Review April 2007 and to National policy contained in paragraph 3.4 of PPG2.

2. The extensions are of an excessive size in relation to the original dwelling, and of a scale and design that is out of keeping with its character and appearance as a lodge house and to the character of the area as a whole. It is therefore contrary to saved policies GBC1, ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007 and to National policy contained in paragraph 3.4 of PPG2.

283 E/10/0209/A-UNAUTHORISED WORKS TO THE FRONT GARDEN AT 7 WINDMILL WAY, MUCH HADHAM, HERTS,SG10 6BG

The Director of Neighbourhood Services recommended that, in respect of the site relation to E/10/0209/A enforcement action be authorised on the basis now detailed.

The Director explained that he had been in contact with Circle Anglia Officers explaining their responsibilities to advise tenants in relation to planning issues.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relation to E/10/0209/A on the basis now detailed.

RESOLVED – that in respect of E/10/0208/A the Director of Neighbourhood Services in consultation with the Director of Internal Services be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the reinstatement of the front garden it its former condition.

Period for compliance: 3 months

Reason why it is expedient to issue an enforcement notice:

- 1. The unauthorised development, by reason of the loss of soft landscaping within the site and the extent of hard landscaping carried out is detrimental to the verdant character and appearance of the locality and is thereby contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

284 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 Chairman, on behalf of Members thanked the officers for their continuing efforts in achieving positive performance.

The meeting closed at 8.59 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE MAIN HALL, CHARIS  
CENTRE, WATER LANE, BISHOP'S  
STORTFORD ON THURSDAY 30  
SEPTEMBER 2010, AT 7.00 PM

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PRESENT: Councillor W Ashley (Chairman).  
Councillors M R Alexander, K A Barnes,  
A L Burlton, R N Copping, J Demonti,  
R Gilbert, Mrs M H Goldspink,  
G E Lawrence, J J Taylor, R I Taylor and  
B M Wrangles.

ALSO PRESENT:  
  
Councillors R Beeching, A M Graham,  
G McAndrew, M Wood and C Woodward.

OFFICERS IN ATTENDANCE:

- |                     |  |
|---------------------|--|
| Liz Aston           | - Development<br>Control Team<br>Leader        |
| Nicola Beyer        | - Senior Planning<br>Officer                   |
| Fiona Brown         | - Planning<br>Technician                       |
| Glyn Day            | - Principal Planning<br>Enforcement<br>Officer |
| Simon Drinkwater    | - Director of<br>Neighbourhood<br>Services     |
| Annie Freestone     | - Senior Planning<br>Technician                |
| Lorraine Kirk       | - Senior<br>Communications<br>Officer          |
| Alasdair McWilliams | - Web Manager                                  |
| Peter Mannings      | - Democratic                                   |

Faye Morley	Services Assistant - Assistant Planning Officer
Martin Plummer	- Assistant Planning Officer
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

## 296 APOLOGIES

Apologies for absence were submitted on behalf of Councillors D Andrews, S A Bull, Mrs R F Cheswright, D A A Peek and S Rutland-Barsby.

## 297 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting. He stated that the meeting was being videoed and the subsequent recording would be posted on the Council's website. He also stated that a Council Officer would be taking pictures during the meeting.

The Chairman thanked Officers for organising the training that had taken place on 29 September 2010.

The Chairman commented that the objecting speakers would be permitted to speak first, followed by the applicant. He stressed that he would not be allowing any extensions to the time that speakers had requested. The Committee would then debate and determine each application in turn.

The Chairman urged the public and Members to be concise and avoid repetition where possible.

## 298 DECLARATIONS OF INTEREST

Councillor K A Barnes declared a personal and prejudicial

interest in application 3/10/1013/OP in that he was a town council representative on the Bishop's Stortford High School Sports Hall Committee. After addressing the Committee as a ward Member, he left the room whilst this matter was considered.

Councillor R I Taylor declared a personal interest in applications 3/10/1012/OP, 3/10/1013/OP, 3/10/1015/OP, 3/10/1014/OP, 3/10/1009/OP and 3/10/1044/OP in that his wife worked for Hertfordshire County Council Children Schools and Families.

- 299 3/10/1012/OP - COMPREHENSIVE DEVELOPMENT COMPRISING THE CHANGE OF USE OF LAND TO EDUCATIONAL USE (CLASS D1) AND THE ERECTION OF BUILDINGS WITH A COMBINED TOTAL GROSS EXTERNAL FLOORSPACE OF 26,000 SQUARE METRES PLUS RELATED SITE WORKS CONSISTING OF THE CONSTRUCTION OF AN INTERNAL ROAD, CAR PARKING AREAS, A TEMPORARY CONSTRUCTION ACCESS ONTO OBREY WAY, A FLOODLIT MULTI-USE GAMES AREA AND ALL WEATHER PITCH, FORMATION OF PLAYING FIELDS AND ASSOCIATED DRAINAGE WORKS. ASSOCIATED INFRASTRUCTURE WORKS TO WHITTINGTON WAY TO INCLUDE; CONSTRUCTION OF 2 NEW ROUNDABOUTS; PROVISION OF CYCLEWAY AND FOOTWAY LINKS, AND ENHANCED BUS STOP FACILITIES AT LAND SOUTH OF WHITTINGTON WAY, BISHOP'S STORTFORD, HERTS FOR THE GOVERNORS OF THE BISHOP'S STORTFORD AND HERTS AND ESSEX HIGH SCHOOLS
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Mr Rhodes, Mrs Hayward-Peel, Mrs Bailey, Mr Piggott, Mr Hurford, Mr Peachey, Councillor McDonald and Mr Janke all addressed the Committee in opposition to the application.

Mr Stock and Mr Harris both spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1012/OP, planning permission be refused for the reasons now detailed.

The Director drew Members' attention to the late representations that had been circulated to the Committee in advance of the meeting. He advised that this information included all representations received by 5 pm today and would be placed on the internet.

Councillor R Gilbert thanked Officers for the detailed reports. He welcomed the approach of considering each application separately before they were determined by Members. He referred to the failure of the Local Education Authority to meet a local need for school places and to maintain the standard of the existing school infrastructure.

Councillor Gilbert referred to the detailed reasons for refusal. He stated that the noise and frequency of flights from Stansted Airport was a key issue. He expressed concern that these were outline applications and Bishop's Stortford was unable to absorb the extra dwellings that could be proposed by future reserved matters applications.

Councillor K A Barnes stated that the merits of the applications did not outweigh the issue of protecting the green belt. He stressed that neither Leventhorpe School nor Hockerill Anglo European College supported the applications. He also emphasised that the educational need did not outweigh the harm that would be caused to the greenbelt.

Councillor Barnes commented that the roads would be unable to cope with the increase in traffic. He stated that a full transportation study was essential as the whole town would be affected by these applications.

Councillor A L Burlton stated that the Bishop's Stortford High School and Herts and Essex High School did not need to move to new locations but it was clear that both establishments wanted to go ahead with the move.



Councillor Burlton expressed concerns that this application only related to half of the green belt location at Whittington Way. He stressed that further applications could come forward for the rest of the site should this application be approved.

He stated that surrounding roads could not be widened and traffic and transport around the town was a major issue that would become significantly worse should these applications be refused.

Councillor Mrs M H Goldspink stated that these proposals were the most significant this Committee had had to determine. She acknowledged the concerns in relation to education provision in Bishop's Stortford. She stressed however, that the Committee must determine these proposals on planning policies and nothing else.

Councillor Goldspink stated that this application was clearly against green belt policy and Members must consider whether the educational need had been clearly demonstrated in terms of whether there was any justification for departing from policy.

Councillor Goldspink commented on whether the schools had demonstrated the very special circumstances for why the scheme was acceptable. She detailed the questions she felt must be considered by the Committee in terms of whether there was any justification for departing from policy. She stated that she remained unconvinced that the schools had answered these questions.

Councillor R N Copping stressed that it had not been demonstrated that this site was the most suitable for a new school. He stated that this was a finely balanced judgement but the schools had not demonstrated that there was sufficient justification for departing from policy.

The Director stressed that the costs of delivering a school was not an issue that Members should give significant weight to. He advised however that deliverability, which

included a financial element, was an issue that Members could consider.

The Director stressed that Members had to judge whether the application complied with national and local green belt policies. He also advised that there was a judgement to be made on whether the application satisfied key planning tests on green belt policy giving weight as Members felt appropriate to educational need. He stated that there must be clear very special circumstances which outweighed harm for the proposals for schools in the green belt to proceed.

Councillor A L Burlton commented on whether the Committee should include a reason for refusal in respect of highways concerns. A number of Members expressed concern that highways concerns should be highlighted now so that the issue could be referred to in respect of reserved matters applications.

Councillor R I Taylor stressed that some of the roads in Hertfordshire and Essex had recently been identified as some of the most congested in this part of the country.

The Director advised that Hertfordshire Highways utilised agreed traffic models when commenting on applications of this nature. He advised caution in that the Committee was considering the advice of highways experts. He referred to the availability of traffic management solutions for severely congested roads.

Members were advised that the Committee must be specific as to which roads they were concerned about if there was to be a reason for refusal around highways issues. Councillor Burlton stated that even with a traffic management solution, he could not see how the local roads in Bishop's Stortford could cope with these applications.

Following a lengthy discussion around the roads that would be most affected by this application, the Director

suggested a form of words for a highways reason for refusal.

Councillor R Gilbert proposed, and Councillor K A Barnes seconded, a motion that the Committee accept the Officers' recommendation for refusal subject to an additional reason for refusal to reflect Members' concerns relating to traffic congestion.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1012/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1012/OP, planning permission be refused for the following reasons:

1. The proposed development involves the provision of two schools located within the Green Belt which represents inappropriate development within the Green Belt. The extensive scale and amount of development would result in the site becoming dominated by buildings and extensive areas of hard surfacing. This impact would be emphasised by the extensive nature of the proposed changes in site levels and the limited opportunities for landscaping in between buildings, outdoor recreation areas and along the southern boundary. If permitted the proposal would be detrimental to the openness of this part of the Green Belt and the wider landscape setting of the town. Other harm is associated with the development which relates to the impact of traffic movements and general activity within the site, the impact on landscape features and

rights of way. Whilst there is accepted to be an educational need for additional school places within the Bishop's Stortford Educational Area, this issue is not considered to outweigh the inappropriateness of the development and harm to the openness of the Green Belt or the other harm. The proposed development is therefore contrary to policy GBC1, ENV1, ENV2, ENV11, GBC14 and LRC9 of the East Herts Local Plan Second Review April 2007 and Planning Policy Guidance 2: Green Belts.

2. The Council is not satisfied, on the basis of the submitted information, that the impact of aircraft noise nuisance has been properly considered, in terms of the impact on internal teaching spaces. The Council is not therefore in a position to determine whether an acceptable educational environment would be created by the proposed development. If permitted the proposals would be contrary to Policy ENV25 of the East Herts Local Plan Second Review April 2007 and guidance in PPG24.
3. The proposed development will result in a significant alteration to traffic movements within the town. Despite the package of measures proposed by the applicant the Council is of the view that the development will result in unacceptable levels of traffic congestion, in particular at the Whittington Way/Thorley Street/London Road junction and other junctions northwards along London Road between the site and the town centre. Therefore the proposal would have a harmful impact upon the free flow of traffic and would also be contrary to Policy TR1 of the East Herts Local Plan Second Review April 2007.

300 3/10/1013/OP - DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF UP TO 220 RESIDENTIAL PROPERTIES AND ASSOCIATED INFRASTRUCTURE AT THE BISHOP'S STORTFORD HIGH SCHOOL, LONDON ROAD, BISHOP'S STORTFORD FOR COUNTRYSIDE PROPERTIES PLC

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Mrs Sweeney addressed the Committee in opposition to the application. Mr Duncan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1013/OP, planning permission be refused for the reasons now detailed.

The Director advised that, following discussions with the applicant in respect of financial contributions for infrastructure improvements, the second reason for refusal was no longer required.

Councillor K A Barnes, as the local ward Member, addressed the Committee in opposition to the application. He expressed concern in relation to the loss of the play groups, in particular the Blues Pre School. He was concerned in respect of the loss of a sports facility and sports pitches with no prospect of replacement facilities.

Councillor A L Burlton proposed, and Councillor M R Alexander seconded, a motion that, subject to the deletion of the second reason for refusal, the Committee accept the Officers' recommendation for refusal on the grounds that the application was contrary to policy LRC1 and LRC11 of the East Herts Local Plan Second Review April 2007.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1013/OP be refused planning permission for the reason now detailed.

RESOLVED – that in respect of application 3/10/1013/FP, planning permission be refused for the following reason:

1. The proposed development would result in the loss of the existing High School as a community facility and its associated playing fields and other sports facilities and the loss of the Blues Pre School without the provision of appropriate replacement facilities of at least equivalent quantity, quality, and accessibility elsewhere in the town. As such, it would be contrary to policies LRC1 and LRC11 of the East Herts Local Plan Second Review April 2007.

301 3/10/1015/OP - RETENTION AND REFURBISHMENT OF BUILDING FRONTING WARWICK ROAD; DEMOLITION OF OTHER EXISTING BUILDINGS AND THE ERECTION OF UP TO 125 RESIDENTIAL PROPERTIES AND ASSOCIATED INFRASTRUCTURE AT HERTS AND ESSEX HIGH SCHOOL, WARWICK ROAD, BISHOP'S STORTFORD HERTS CM23 5NH FOR COUNTRYSIDE PROPERTIES LTD

Mrs Rhodes addressed the Committee in opposition to the application. Mr Duncan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1015/OP, planning permission be refused for the reasons now detailed.

The Director advised that, following discussions with the applicant in respect of financial contributions for infrastructure improvements, the second reason for refusal was no longer required.

Councillor M Wood, as the local ward Member, stated the Bishop's Stortford was a patchwork quilt of separate communities, each with individual community and amenity facilities. He stressed that this application would

adversely affect the future legacy of the town.

Councillor Wood emphasised that if traffic was unable to exit onto Warwick Road, extra traffic exiting onto Dunmow Road would cause significant traffic problems. He stated that the density of the proposed development was very high compared to the surrounding roads.

Councillor C B Woodward, as the local ward Member, expressed concerns over the impact of the development on a heritage building. He expressed concern that there had not been an impact statement completed as part of this application.

Councillor Woodward commented that there were already 291 empty homes in Bishop's Stortford and this application would exacerbate this overprovision. He stressed that this application would result in unacceptable traffic problems and was in the wrong place at the wrong time. He referred to the integral views of local residents.

Councillor K A Barnes expressed his concern over the loss of what were some of the oldest historical buildings in the country. He commented that the Herts and Essex High School was part of the community and this application would result in the loss of buildings that had been in Bishop's Stortford for a century.

The Director advised that Hertfordshire Highways had judged the scheme to be acceptable as a school created more traffic twice a day than would be created by housing in this location. This proposal would only be acceptable if a replacement school were provided, by virtue of which the school related traffic from this part of the town would be removed.

Councillor M R Alexander proposed, and Councillor R I Taylor seconded, a motion that the Committee accept the Officers' recommendation for refusal on the grounds that the application was contrary to policy LRC1 and LRC11 of the East Herts Local Plan Second Review April 2007.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1015/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1015/OP, planning permission be refused for the following reasons:

1. The proposed development would result in the loss of The Herts and Essex School, a community facility and its associated playing fields and other sports facilities, without the provision of appropriate replacement facilities of at least equivalent quantity, quality, and accessibility elsewhere in the town. As such, it would be contrary to policies LRC1 and LRC11 of the East Herts Local Plan Second Review April 2007.
2. The local planning authority considers that the application site constitutes a Heritage Asset as defined in PPS5. Insufficient information has been submitted in respect of the historic significance of the buildings on the site to enable the authority to adequately assess the impact of the proposed demolition on the significance of the Heritage Asset. In the absence of that information and appropriate investigation, the proposal is contrary to national guidance contained in PPS5: Planning for the Historic Environment.”

At this point (9.50 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.



302 3/10/1014/OP - DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF UP TO 180 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AT HERTS AND ESSEX HIGH SCHOOL BELDAMS LANE SPORT PITCHES, BISHOP'S STORTFORD, CM23 5LQ FOR COUNTRYSIDE PROPERTIES LTD

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Mr Holder, Mr Tripp and Mrs Munroe all addressed the Committee in opposition to the application.

Mr Duncan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1014/OP, planning permission be refused for the reasons now detailed.

The Director advised that, following discussions with the applicant in respect of financial contributions for infrastructure improvements, the second reason for refusal was no longer required.

Councillor A M Graham, as the local ward Member, stated that this site was privately owned. He referred to the poor and worsening condition of the fencing around the sport pitches over the last 30 years. He stressed that young people needed green space and the preservation of the sports pitches was essential.

Councillor C B Woodward, as the local ward Member, stated that the benefits of extra housing were clear. He stressed, however, that the need had not been identified and the application was contrary to policies PPG1, ENV1 and ENV27 of the East Herts Local Plan Second Review April 2007.

Councillor Woodward emphasised that the amount of open space in Bishop's Stortford was less than the recommended requirement detailed in supplementary planning documents. He commented that any further reductions in open space would be detrimental to the quality of life of Bishop's Stortford Residents.

He referred to the unacceptable traffic implications of the proposed development and urged the Committee to refuse the application.

Councillor M R Alexander proposed, and Councillor A L Burlton seconded, a motion that the Committee accept the Officers' recommendation for refusal on the grounds that the application was contrary to policy LRC1 of the East Herts Local Plan Second Review April 2007.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1014/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1014/OP, planning permission be refused for the following reasons:

1. The proposed development would result in the loss of an outdoor sports and recreation facility without the provision of appropriate replacement facilities of at least equivalent quantity, quality, and accessibility elsewhere in the town. As such, it would be contrary to policy LRC1 of the East Herts Local Plan Second Review April 2007.

303 3/10/1009/OP - PROPOSED RESIDENTIAL DEVELOPMENT (UP TO 165 DWELLINGS) AND ALTERATIONS TO EXISTING PATMORE CLOSE ACCESS PLUS RELATED INTERNAL ACCESS ROAD, LANDSCAPING AND OPEN SPACE AREAS AT LAND TO THE SOUTH OF HADHAM ROAD, BISHOP'S STORTFORD FOR HERTFORDSHIRE COUNTY COUNCIL

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Mr Sarles, Mrs Otter and Mr Hare addressed the

Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1009/OP, planning permission be refused for the reasons now detailed.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1009/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1009/OP, planning permission be refused for the following reasons:

1. The proposed residential development of this site would result in the loss of a site which could contribute towards the provision of the specified need for additional education capacity within the town of Bishop's Stortford without that need being met in another way. The proposed development is therefore contrary to Policy BIS7 of the East Herts Local Plan Second Review April 2007.

304 3/10/1044/FO - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 3/97/0520/FP THAT STATES THAT THE FACILITY SHOULD BE USED SOLELY FOR THE BENEFICIAL USE OF THE APPLICANTS, THE BISHOP'S STORTFORD HIGH SCHOOL, AND FOR NO OTHER PERSONS, INSTITUTIONS OR ORGANISATIONS TO ALLOW IT TO BE USED BY BOTH BISHOP'S STORTFORD HIGH SCHOOL AND HERTS AND ESSEX HIGH SCHOOL AND FOR LOCAL ORGANISATIONS AT JOBBERS WOOD, GREAT HADHAM ROAD, BISHOP'S STORTFORD FOR THE BISHOP'S STORTFORD HIGH SCHOOL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1044/FO, planning permission be refused for the reasons now detailed.

Councillor K A Barnes stated that traffic levels on the B1004 had doubled in recent years.

Councillor K A Barnes proposed, and Councillor A L Burlton seconded, a motion that the Committee accept the Officers' recommendation for refusal on the grounds that the application was contrary to policies SD1 and SD2 of the East Herts Local Plan Second Review April 2007.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1044/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1044/FO, planning permission be refused for the following reasons:

1. The proposed use of the site, by reason of its location and lack of accessibility by sustainable modes of transport, would result in an unsustainable form of development and traffic movements and reliance on the private car. The proposal would thereby contrary to policies SD1 and SD2 of the East Herts Local Plan Second Review April 2007.

The meeting closed at 10.02 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
HUMAN RESOURCES COMMITTEE HELD  
IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 13 OCTOBER 2010, AT 3.00  
PM

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PRESENT: Councillor D A A Peek (Chairman)  
Councillors J Mayes, J O Ranger, S Rutland-  
Barsby, N Wilson, M Wood and C Woodward

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Alan Madin	- Director of Internal Services
Jaleh Nahvi	- Human Resources Officer
Tinu Olowe	- Interim Head of People and Organisational Services

319 MINUTES

The Minutes of the meeting held on 29 July 2010 were submitted.

It was noted that in relation to Minute 193 (Local Joint Panel – Minutes of the meeting held on 17 June 2010), Human Resources Committee had raised concerns about the Terms of Reference for Local Joint Panel, specifically how minor disagreements were dealt with and had requested that these concerns be forwarded to Audit Committee for inclusion in the Annual Governance Statement. The Director of Internal Services clarified that it was not a request that Audit Committee should review the Terms of Reference, but rather it was for Human Resources and Unison to ensure the Terms of Reference were fit for purpose and in particular to consider ways of reaching agreement where minor disagreements

arose. He confirmed that this issue was already in hand.

RESOLVED – that the Minutes of the meeting held on 29 July 2010 be confirmed as a correct record and signed by the Chairman.

## 320 DEFAULT RETIREMENT AGE

The Interim Head of People and Organisational Services submitted a report regarding the proposed removal of the Default Retirement Age (DRA) of 65 which was introduced in 2006. Removal of the DRA would be effective from April 2011. The report now submitted explained the implementation and transitional arrangements and the potential implications for staff savings based on anticipated retirements within the context of the Medium Term Financial Plan.

In response to concerns raised by Councillor J O Ranger regarding the possibility of the new arrangements benefitting staff who might request to work beyond 65 and subsequently seek to be made redundant, Officers explained that advice had been taken and that it was beneficial for the Council to have staff on a permanent contract when working beyond 65. The Director of Internal Services explained the payment structure in relation to redundancy payments.

The Committee supported the removal of the default retirement age and the draft consultation response as set out in the report now submitted.

RESOLVED – that the removal of the East Herts Retirement age from 6 April 2011 and the draft consultation response be approved.

321 HUMAN RESOURCES MANAGEMENT STATISTICS: APRIL  
- SEPTEMBER 2010

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The Interim Head of People and Organisational Services submitted a report detailing the turnover and sickness / absence statistics for the period 1 April – 30 September 2010.

The Committee was advised that the current turnover for the Council was 4.72% against a target of 12% and that the voluntary leaver's rate was 3.06% against a target of 8%.

The Committee was further advised that short term sickness was 1.43 days against a target of 5 days and that the average long term sickness was 1.46 days against a target of 2.5 days.

Members were reminded that the Council's Performance Development Review schemes ran on two cycles and that Revenues and Benefits in June/July had achieved an outturn of 97.78% for 2010. The outturn for the rest of the Council following PDR in December /June and a six month review in June / July was 51.65%.

Councillor J O Ranger acknowledged the difficulties faced by the Council in relation to achieving 100% target and of the need to continue to press on with PDRs, as they played a role in establishing changes to job content and in highlighting what training was needed. The Director of Internal Services reminded Members that it had been an exceptional year because of the additional number of one to meetings in relation to the terms and conditions review. The Interim Head of People and Organisational Services confirmed that terms and conditions meetings started around the same time as the PDR process but that Officers would continue to work with Managers to ensure that PDRs were undertaken.

Councillor C Woodward suggested that Officers in Revenues and Benefits should be congratulated for their efforts. This was supported.

RESOLVED – that (A) the statistics in relation to

turnover, long and short term absences be noted; and

(B) Revenues and Benefits be congratulated on their efforts in achieving a 97.78 return on the PDRs.

322 LOCAL JOINT PANEL - MINUTES OF THE MEETING: 16  
SEPTEMBER 2010

The Minutes of the Local Joint Panel (LJP), meeting held on 16 September 2010 were submitted.

Councillor Wood, as Chairman of the LJP, said that at the last meeting, the Staff Side had requested that Council intervene in relation to the staff implications of the Emergency Budget proposals. This issue had been dealt with at Council and that a specific form of wording had been agreed. The Director of Internal Services stated that the LJP was the appropriate forum where the Council and Employees' trade union representatives could raise concerns about the Council's employment policies and their general application. He stated that it was not appropriate for Members at the LJP or elsewhere, to be perceived to become involved in the application of those policies in individual cases where the Constitution delegated such matters to the Chief Executive and Officers.

RESOLVED – that the Minutes of the Local Joint Panel meeting held on 16 September 2010 be received.

The meeting closed at 3.30pm

Chairman .....
Date .....



MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 20 OCTOBER 2010, AT  
7.00 PM

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PRESENT: Councillor W Ashley (Chairman)  
Councillors M R Alexander, D Andrews,  
K A Barnes, S A Bull, A L Burlton,  
Mrs R F Cheswright, R N Copping, R Gilbert,  
Mrs M H Goldspink, G E Lawrence,  
D A A Peek, J J Taylor, R I Taylor,  
A L Warman and B M Wrangles.

ALSO PRESENT:

Councillors P A Ruffles and V Shaw.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Control Team Leader
Kevin Steptoe	- Head of Planning and Building Control

323 APOLOGIES

Apologies for absence were submitted on behalf of Councillors J Demonti and S Rutland-Barsby. It was noted that Councillors D Andrews and A L Warman were substituting for Councillors S Rutland-Barsby and J Demonti respectively.

## 324 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and those who were watching the live webcast.

The Chairman thanked Officers for the training that had been held prior to this meeting. Members were requested to inform the Head of Planning and Building Control of any further suggestions for training.

The Chairman advised that the item relating to application 3/10/1396/FP – Erection of extension to provide 43 en-suite bedrooms at Fanhams Hall Hotel, Fanhams Hall, Fanhams Hall Road, Ware for Exclusive Hotels had been withdrawn.

The Chairman announced that he would take the item of urgent business between application 3/10/1074/FP and enforcement case E/08/0331/B.

The Chairman reminded Members that, in the period up to the Hunsdon by-election on 11 November 2010, “purdah” rules applied. These rules existed to ensure that there was no risk of public funds being used and/or actions undertaken to support one particular political party or individual.

## 325 DECLARATIONS OF INTEREST

Councillor S A Bull declared a personal and prejudicial interest in application 3/10/0090/FP, in that the site shared the access with the Co-op and he received a pension from the Co-op. He left the room whilst this matter was considered.

Councillor A L Burlton declared a personal and prejudicial interest in applications 3/10/1401/LB and 3/10/1543/LB, in that he and his wife sold products to the company that was the applicant. He left the room whilst this matter was considered.

326 MINUTES

RESOLVED – that (A) the Minutes of the meeting held on 22 September 2010 be confirmed as a correct record and signed by the Chairman; and

(B) the Minutes of the meeting held on 30 September 2010 pm be confirmed as a correct record and signed by the Chairman, subject to the amendment of Minute 298 – Declarations of Interest as follows:

Delete “a town council representative on the Bishop’s Stortford High School Sports Hall Committee and replace with “a representative on the Bishop’s Stortford Joint Ownership Sports Hall Committee”.

327 3/10/0386/FP - REDEVELOPMENT OF 2.15 HA BROWNFIELD SITE TO INCLUDE NEW ASDA FOODSTORE (2601 SQM NET); 13 DWELLINGS (5 AFFORDABLE) WITH 21 CAR PARKING SPACES; RETENTION AND REDESIGN OF CHILDREN'S NURSERY; RETENTION AND REFURBISHMENT OF KILN AND MALTINGS BUILDINGS TOGETHER WITH ASSOCIATED ACCESS, 283 CAR PARKING SPACES (INCLUDING 10 SPACES FOR NURSERY), SERVICING AND LANDSCAPING, ASSOCIATED HIGHWAYS AND PEDESTRIAN IMPROVEMENTS (AS AMENDED) AT CINTEL SITE, WATTON ROAD, WARE SG12 OAE FOR ASDA STORES LTD

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/0386/FP, planning permission be refused for the reasons now detailed.

The Chairman stated that the applicant had made a formal request that the application be deferred to enable the applicant to overcome the reason for refusal around the retail impact of the proposals.

Councillor Mrs M H Goldspink commented on whether

any useful information would be forthcoming if the application was deferred. The Director advised that Officers felt that further work with retail advisors would probably not alter the recommendation in relation to the sequential test. Officers considered that the Committee should continue to determine the application.

Councillor A L Warman started that given the sensitivity of the application, Members should continue to determine the application.

Councillor R Gilbert proposed and Councillor S A Bull seconded a motion that the application should not be deferred as this was a significant application and Members had attended a recent tour of the site.

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

Mr Sanders addressed the Committee in opposition to the application. Judi Scholey spoke for the application.

The Director summarised the detailed background to the application. He summarised the significant support and opposition to the application. He stressed that Members must consider the planning merits of this application in relation to the sequential test of whether the Cintel site was sequentially preferable for the proposals when judged against other possible sites. The only other site which appeared to have merit was the Swains Mill site at Crane Mead.

The Director referred the Committee to paragraph 7.16 of the report now submitted. He stressed that Members must consider the availability, suitability and viability of alternative sites under national planning policy set out in PPS4

Members were advised that, although there was no planning application for the Swains Mill site, Officers were of the view that this site was viable and available for an

alternative supermarket development. The Director stressed that there was a more finely balanced judgement to be made in respect of the suitability of the two sites. Members were referred to paragraph 7.20 of the report in respect of this matter.

The Committee was advised that the applicant on this application felt that the larger site at Watton Road would be of greater benefit to Ware in terms of greater provision and claw back of trade. The Committee should also consider the issue of the primary shopping area of Ware. Members were referred to paragraphs 7.11 and 7.19 of the report now submitted. The Director stressed that this would not be formally defined until the Local Development Framework (LDF) document was produced.

The Director further advised that, although the applicant considered that the Baldock Street area was the primary shopping area, Officers felt that this part of Ware presently lacked the vitality and concentration of retail activity to be considered part of the primary shopping area.

Members were advised that although Officers acknowledged the other planning merits of this application, these merits were not, in their view relevant to the issue of the sequential test. The Director stressed that the application was not recommended for refusal on highways grounds.

The Director stressed that both sites could support a supermarket in providing choice and competition. Members were advised that although neither site was considered ideally placed, Officers felt that the site at Crane Mead was closer to the town centre and, on balance, sequentially preferable. He further stressed that it appeared possible for the second reason for refusal to be overcome following further work between the applicant, Officers and the retail advisors Chase and Partners.

The Chairman advised that Members must first determine the issue of the sequential test before debating other planning merits of the application.

Councillor J J Taylor supported the Officer's recommendation. She stated that, as the Crane Mead site was closer to the town centre, this location was sequentially preferable. She also commented that the Cintel Site could only be viewed as an out of town location.

Councillor R I Taylor commented that EC15.2 of policy PPS4 was relevant in this application. He stated that the site at Crane Mead was not sequentially preferable and should be ruled out. He commented that the viability of a supermarket in that location would be limited as the range of goods sold would be limited by the smaller sales area.

Councillor M R Alexander stressed that the Cintel Site was available for immediate development where as the Crane Mead site was not owned by a supermarket retailer to develop following the approval of any planning application. He considered that the Crane Mead site was too small to be suitable for a supermarket. He also stated that no application was available for consideration on the Crane Mead site. Councillor Alexander stressed that the applicant had worked hard on this application and the benefits that it could bring would outweigh the potential of development at the Crane Mead site.

In response to a concern from R Gilbert that the issue of the sequential test was not relevant as there was no application to consider on the Crane Mead site, the Chairman stressed that the possibility of this site coming forward for development was sufficient to make the sequential test a key issue. The Chairman reminded Members that the issue of the sequential test on these sites was a finely balanced judgement for the Committee.

In response to a number of queries from Members around the sequential test, the Director advised that in other

circumstances he would indicate that the Committee should only consider the merits of the application in front of them. He stressed however that in this case, Members must consider the sequential test under PPS4 in relation to the sites at Watton Road and Crane Mead.

The Director stressed that Members should not give weight to the particular operator on either site of their aspirations. The Committee must take in to account the sequential test for the potential of another site coming forward for development. The key issue was the availability, suitability and viability of the sites that were available. Members must consider which site was best placed to satisfy the retail needs of Ware.

Councillor R Gilbert commented that the Crane Mead site was not large enough to support a supermarket of a sufficient size to satisfy the retail needs of Ware.

Councillor J J Taylor proposed and Councillor A L Warman seconded, a motion that the Crane Mead site was sequentially preferable as this site was closer to the primary shopping area of Ware.

After being put to the meeting and a vote taken, this motion was declared LOST on the Chairman's casting vote in favour of the Cintel Site, Watton Road, Ware.

The Committee considered the Cintel Site to be preferable because, whilst it was not located in the centre of the town, it was suitably placed to serve the residential areas of the town which were located to the north of the town centre. The Committee felt that the proposed development would result in a significant amount of regeneration of the area and reuse of buildings of heritage interest on the site.

Members felt that the Cintel Site was a larger site than the alternative and represents an opportunity to ensure a wide range of goods are offered to meet the needs of the town.

The Committee also considered that there must be some

doubt about the ability of the alternative site to come forward

The Chairman opened up the debate to consider the other planning issues relating to the application.

Councillor J J Taylor referred to 3 strong reasons why application 3/10/0396/FP should be refused on the Cintel Site, Watton Road, Ware.

Councillor J J Taylor, as the local ward Member, stated that this application would suck the life blood and heartbeat out of Ware Town Centre. She stressed that local shop keepers would be starved of trade and Ware would cease to survive.

Councillor J J Taylor expressed concerns that the Cintel Site was not in the primary shopping area and was not adjacent to the major town centre shopping streets. She stated that shoppers would carry out a complete shop at the Cintel Site and the town traders would lose business which could in turn result in the rapid decline of Ware as a medieval town. Councillor Taylor commented that the demise of the town was an issue of considerable concern to the people of Ware.

Councillor J J Taylor further stated that although Hertfordshire Highways had issued a scathing report on this application, the application was not recommended for refusal on highways matters. She commented that Hertfordshire Highways had admitted that congestion could be an issue, although this could be outweighed by the retail need for the store.

Councillor Taylor also expressed concerns that Fanshaw Crescent, Park Road and Watton Road could be severely affected as the highway network became saturated with the extra traffic accessing the site for shopping and deliveries. She referred to concerns of parents in respect of child safety.

Councillor Taylor stressed that the Baldock Street roundabout and the western end of Ware could end up at



a traffic standstill if this application was approved. She stated that the parking provision was below the maximum provision.

Councillor Taylor commented that lorry deliveries and staff cars accessing the store was a major concern. She stated that English Heritage had branded the designs as bland and repetitive. The Landscape Officer had also expressed concerns in relation to the loss of trees on the site. Councillor Taylor referred to the potential for light pollution after the store had closed as lights were often left on in supermarkets for security reasons.

Councillor S A Bull stated that a significant number of people welcomed the prospect of a new store in this location. He commented that the new store would enhance the vitality of Ware and increase trade due to the large range of goods potentially available.

Councillor Bull stated that shoppers would come to Ware in favour of travelling to Harlow or Stevenage for significant food shopping. Councillor R Gilbert commented that Hertfordshire Highways had in fact supported the application.

Councillor A L Warman expressed concerns in relation to the construction designs of the store, in particular the omission of a mezzanine floor. He expressed concerns that the application would exacerbate the problems of traffic flow in this part of Ware. He cited 2012 as a particular concern when Wodson Park was scheduled to be used as an Olympic training venue.

Councillor M R Alexander stated that Ware Town Council had not objected in principle to the application. He was encouraged that the applicant had sought to protect the heritage of the Cintel Site. He stressed that concerns in relation to delivery vehicles could be addressed once the store was in operation.

Councillor R N Copping summarised the concerns of

Stanstead Abbotts Parish Council. He stated that the application would have no benefits for Ware and should be refused for all the reasons given by that Parish Council.

Councillor D Andrews stated that the primary shopping area was a long way from this site and many of the shops in Ware Town Centre would suffer significantly. The traffic would become a significant problem on Watton Road and on the A1170.

The Director advised that if Members felt that their concerns were so significant that the application could not be supported, then the Committee should refuse the scheme on that basis. He stressed however that, if the Committee determined that it did not have detailed concerns, then rather than reach a final decision now, he advised Members defer the application to enable Officers to consider appropriate conditions and the details of a section 106 legal agreement. Members were also advised that the application may be referred to the Government Office in any event.

Councillor J J Taylor proposed and Councillor A L Warman seconded, a motion that application 3/10/0386/FP be refused as the application would result in congestion and oversaturation of the highway network, an unacceptable impact on the amenity of local residents.

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

Councillor R Gilbert proposed and Councillor S A Bull seconded, a motion that application 3/10/0386/FP be deferred to enable Officers to consider appropriate conditions and the details of a section 106 legal agreement.

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 that application 3/10/0386/FP be refused planning permission for the reasons now detailed.

RESOLVED – that (A) in respect of application 3/10/0386/FP, planning permission be granted in principle and the application be referred to the secretary of state; and

(B) in respect of application 3/10/0386/FP, planning permission be deferred to enable Officers to bring back a further report setting out details of conditions and the section 106 planning obligation agreement.

328      3/10/0396/FP - REDEVELOPMENT TO FORM 45  
CATEGORY II TYPE SHELTERED APARTMENTS FOR THE  
ELDERLY (29X1 BED AND 16X2 BED) COMMUNAL  
FACILITIES, LANDSCAPING AND ASSOCIATED CAR  
PARKING AT 135 STANSTED ROAD, BISHOP'S  
STORTFORD, CM23 2AL FOR MCCARTHY AND STONE  
RETIREMENT LIFESTYLES LTD

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Mr Podevin addressed the Committee in opposition to the application. Mr Gillingham spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0396/FP, subject to the applicant entering into a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

The Director advised that the section 106 figure for off site provision of affordable housing had been amended and should now read £574,000. The requirement for 15% lifetime homes was no longer considered appropriate as the proposed development was for accommodation for older people.

Councillor A L Warman expressed concerns that an application had come back to the Committee so soon after being refused due to concerns in respect of loss of amenity.

Councillor R Gilbert commented that the report highlighted that changes had been made since the previous application had been refused. He stated that the previous reasons for refusal still applied. He also expressed concerns that the proposed parking provision was inadequate.

Councillor Mrs M H Goldspink expressed concerns that the application still constituted over development. She stated that the height, bulk and massing of the proposed developed would have an overwhelming effect on surrounding dwellings.

Councillor Goldspink expressed concerns with the number of units being in excess of the 30 – 50 units hectare guideline. She stated that the design was unacceptable and the proposed parking provision was inadequate. She concluded that the small separation distance to surrounding dwellings was unacceptable.

The Director confirmed that following financial viability assessments, the £574,000 for affordable housing was the level that the developer felt was deliverable on this site.

In response to a query from Councillor A L Burlton, the Director confirmed that Officers felt that the Environmental Health condition around noise, air quality and contaminated land was not appropriate in this location.

The Director advised that Officers felt that the previous reasons for refusal had all been addressed. Members would now need to make a judgement as to whether they felt the scale, size, massing and design of the proposed development was acceptable.

The Committee was reminded that developers typically sought to maximise the development potential of any given site. The Director stated that Officers had considered this application to be acceptable in terms of the layout and design that had been submitted.

The Director also stated that unless Officers felt that parking was going to be particularly problematic, the parking policy stipulated a maximum provision and applicants often submitted plans for a lesser provision than was acceptable in relation to this policy.

The Director advised that this applicant had considerable experience of this type of accommodation. The applicant clearly considered that the proposed parking provision would operate effectively on this site. Members might not be able to demonstrate substantive evidence to the contrary.

Councillor Mrs M H Goldspink proposed and Councillor R Gilbert seconded, a motion that application 3/10/0396/FP be refused on the grounds that the proposed development failed to achieve a high standard of layout and by reason of its size, massing, design and form would result in a development that would be detrimental to the character, appearance and visual interest of the surrounding area and also that the application failed to make adequate provision for parking within the site to the detriment of the amenities of future occupants.

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 that application 3/10/0396/FP be granted subject to the conditions now detailed.

Councillors M R Alexander, W Ashley, S A Bull and B M Wrangles requested that their dissent from this decision

be recorded.

RESOLVED – that in respect of application 3/10/0396/FP, planning permission be refused for the following reasons:

1. The proposed development fails to achieve a high standard of layout and by reason of its size, massing, design and form would result in a development that would be detrimental to the character, appearance and visual interest of the surrounding area, contrary to Policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
2. The proposal fails to make adequate provision for parking within the site to the detriment of the amenities of future occupants, and would thereby be contrary to Policies ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.

329 (B) 3/10/1401/LB - ERECTION OF EXTENSION AND GLAZED LINK TO PROVIDE 43 EN-SUITE BEDROOMS;(C) 3/10/1543/LB - INTERNAL ALTERATIONS TO AMALGAMATE BEDROOMS IN COURTYARD BUILDING AT FANHAMS HALL HOTEL, FANHAMS HALL, FANHAMS HALL ROAD, WARE, HERTFORDSHIRE, SG12 7PZ FOR EXCLUSIVE HOTELS

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1401/LB, listed building consent be granted subject to the conditions now detailed. The Director of Neighbourhood Services also recommended that, in respect of application 3/10/1543/LB, listed building consent be granted subject to the conditions now detailed.

In response to a query from Councillor R N Copping, the Director confirmed that this was an application where both planning permission and listed building consent were

required before the development could go ahead.

The Director confirmed that as the application for planning permission had been withdrawn, this report was now solely to invite Members to consider whether the impact of the proposed development was acceptable in relation to its impact on the historic character and appearance of the listed building.

In response to a concern from Councillor R Gilbert in relation to the impact of the application on the listed building, the Director stated that Officers were satisfied that there would not be a detrimental impact on the historic character and appearance of the listed building.

The Committee was advised however, that Officers had been concerned in relation to the impact of the planning application on the principle of such development in the green belt. Members were reminded that it was quite acceptable to refuse planning permission on an application whilst approving listed building consent.

After being put to the meeting and a vote taken, the Committee supported the recommendations of the Director of Neighbourhood Services that applications 3/10/1401/LB and 3/10/1543/LB be granted listed building consent subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/10/1401/LB, listed building consent be approved subject to the following conditions:

1. Listed Building three year time limit (1T141)
2. Samples of materials (2E123)
3. Listed building (new doors) (8L043)
4. Listed building (new window) (8L033)
5. Prior to any building works being first

commenced, detailed drawings of the new glazed link at a scale of 1:200 or similar shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with the aims of PPS5 – Planning for the Historic Environment.

6. Listed building (making good) (8L103)

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular PPS5 – Planning for the Historic Environment. The balance of the considerations having regard to those policies is that consent should be granted.

(B) in respect of application 3/10/1543/LB, listed building consent be approved subject to the following conditions:

1. Listed Building three year time limit (1T141)
2. Listed building (new doors) (8L043)
3. Listed building (making good) (8L103)

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts



Local Plan Second Review April 2007), and in particular PPS5 – Planning for the Historic Environment. The balance of the considerations having regard to those policies is that consent should be granted.

330 3/10/1495/FP - FIFTEEN CARAVAN PITCHES WITH ASSOCIATED PARKING; EXTENSION TO ACCESS ROAD AND CONSTRUCTION OF TOILET AND SHOWER BUILDING INCORPORATING BOOKING-IN OFFICE AT WESTMILL FARM, WESTMILL ROAD, WESTMILL, WARE, HERTS, SG12 0ES FOR DJ AND DM VIGUS

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1495/FP, planning permission be granted subject to the conditions now detailed.

Councillor D Andrews enquired as to how Officers enforced the occupation limit in that no individual caravan or person shall occupy the site for any period in excess of 3 months in any 12 month period.

The Director stated that Officers would take enforcement action if there was a breach of this condition. The Committee was advised that this condition was the same as applied elsewhere on the site. Officers were reliant however on any breach of this condition being reported to them.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1495/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1495/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)

2. Landscape design proposals (4P124)
3. Landscape works implementation (4P133)
4. Landscape maintenance (4P173)
5. Hours of working – plant and machinery (6N053)
6. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment, in accordance with 'saved' policies ENV18 and ENV20 of the East Herts Local Plan Second Review April 2007.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), not more than 15 caravans may be stationed on the land that is the subject of this approval at any time. The caravans shall be occupied solely for holiday/leisure or touring purposes and not for permanent residential occupation. No individual caravan or individual person shall occupy the site for any period in excess of 3 months in any 12 month period.

Reason: To prevent the establishment of a permanent residential caravan site contrary to Metropolitan Green Belt policy and in accordance with 'saved' policy GBC1 of the East Herts Local Plan Second Review April 2007.

8. Lighting details (2E272).

331 3/10/1454/FP - CHANGE OF USE OF MEADOW TO DOMESTIC GARDEN LAND AND RETENTION OF TWO OUTBUILDINGS (RETROSPECTIVE) AT NORTHLEYS, HIGH STREET, MUCH HADHAM, SG10 6DB FOR MR JEFFCOATE

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1454/FP, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1454/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1454/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Within three months of the grant of permission a landscape plan for the western boundary of the application site relating to the change of use of the land shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall include planting plans, written specifications and schedules of plants, noting species, planting sizes and the proposed numbers and densities. The landscape plan shall be implemented within the next available planting season and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To provide an appropriate landscaping and boundary treatment in accordance with policy ENV2 and ENV7 of the East Herts Local Plan Second Review April 2007.

3. Within three months of the grant of permission, a colour sample of the boarding for buildings one and two shall be submitted to and approved in writing to the Local Planning Authority. The buildings shall thereafter be finished externally in that approved colour.

Reason: In the interests of visual amenity of the site, in accordance with policy GBC3 and ENV1 of the East Herts Local Plan second Review April 2007.

4. The alterations hereby permitted to the existing outbuildings (buildings one and two), as shown on plan reference 2555-103, shall be implemented in accordance with that plan within three months of the date of this decision.

Reason: To enhance the existing impact of the development on the rural character and appearance of the site, in accordance with policy ENV1 of the East Herts Local Plan April 2007, and to avoid possible enforcement proceedings in respect of the existing unauthorised outbuildings.

5. Withdrawal of PD (Part 1 Class E)(2E223) – Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 the provision within the extension of the curtilage of the dwelling hereby permitted of any building, enclosure or swimming pool as described in Schedule 2, Part 1, Class E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning

Authority retains control over any future development as specified in the condition in the interests of amenity.

Directives:

1. Other legislation (01OL1)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular saved policies GBC3, BH1, BH6, ENV1, ENV7 and Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

- 332 3/10/1285/FP - SINGLE STOREY SIDE EXTENSION, PROVISION OF THREE CANOPIES AND RAMP AT ST. ANDREWS PRIMARY SCHOOL, TOWER HILL, MUCH HADHAM, SG10 6DL FOR ST. ANDREWS PRIMARY SCHOOL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1285/FP, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1285/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1285/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Matching Materials (2E13)
3. Materials of construction for ramp (2E113)  
delete 'building' and replace with 'ramp'.

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, BH1, BH6 and particular Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies and the limited harm to the character, appearance or openness of this rural area is that permission should be granted.

333 3/10/1074/FP - SINGLE STOREY REAR EXTENSION AT 74 PISHIOBURY DRIVE, SAWBRIDGEWORTH, CM21 0AF FOR MR AND MRS STEVEN BARRETT

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1074/FP, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1074/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application

3/10/1074/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Materials of construction (2E11)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV5, ENV6, ENV19 and BH16. The balance of the considerations having regard to those policies and the resultant limited impact on the openness of the Green Belt is that permission should be granted.

334 3/10/1500/FO - VARIATION OF CONDITION 16 OF PLANNING PERMISSION REF. 3/07/2005/FP TO READ "THE FORMER GARAGE WALL ADJACENT TO THE EASTERN BOUNDARY OF THE SITE SHALL BE REPAIRED TO A HEIGHT OF 3.5M HIGH FROM THE CENTURY ROAD ELEVATION. THE GARAGE WALL SHALL BE REPAIRED IN ACCORDANCE WITH DETAILS SET OUT IN DRAWING 10/1465/007A PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT." AT FORMER CHARVILL BROS, BALDOCK STREET WARE FOR MCCARTHY AND STONE R L LTD

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1500/FO, planning permission be granted subject to the conditions now detailed.

The Director stated that this application comprised some minor changes to previous proposals. Officers had followed legal advice in setting out, in full, the appropriate conditions. Officers had also been advised that any

planning permission would be subject to the completion of a section 106 planning obligation. This obligation would link the planning obligations of the original planning permission (3/07/2005/FP) to the new permission.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the agreement of a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 that ties the planning obligations of the original planning permission (3/07/2005/FP) to the new permission, application 3/10/1500/FO be granted subject to the conditions now detailed.

RESOLVED – that subject to the agreement of a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 that ties the planning obligations of the original planning permission (3/07/2005/FP) to the new permission, in respect of application 3/10/0432/FP, planning permission be granted subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of six months commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Prior to any building works being commenced samples of the external materials of construction including rainwater goods for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of



the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. Prior to the commencement of bricklaying, a sample panel of brickwork shall be provided on the site and shall be formally approved in writing by the Local Planning Authority. The panel shall be retained as a reference for all external brickwork within the development.

Reason: In the interest of achieving a high quality of design and finish for the development in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national guidance in PPS1.

4. Cycle parking facilities shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: To encourage the use of cycles as means of transport, in accordance with policies TR13 & TR14 and Appendix II of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of work detailed drawings of new doors, windows, roof eaves and shopfronts at a scale of not less than 1:20 shall be submitted to, and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved plans and specification.

Reason: In the interests of the appearance of the proposed development and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. The proposed window openings on the first and second floor windows in the north elevation shall be fitted with obscured glass, and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Details of facilities to be provided for the storage, removal and including provisions for waste recycling of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

8. Prior to the first occupation of the development hereby permitted, the existing vehicular access shall be permanently closed and the kerbs and (footway/verge) reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

9. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007.

10. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Hard surfacing materials (c) Planting plans (d) Schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

11. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its

written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

12. A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

13. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995, the areas shown for landscaping on the plans approved hereby shall be retained and maintained as open landscaping, and shall not be developed enclosed or used in any way that is detrimental to that character.

Reason: To ensure the continuity of amenity value afforded by the approved landscaping, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall

not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

15. Notwithstanding the provisions of the General Permitted Development Order 1995, the commercial units to the Baldock Street frontage shall be used for either A1 (shop), A2 (professional and financial services), B1 (office) or D2 (health) uses only.

Reason: To ensure the use respects the amenities of nearby residents and in accordance with Policy ENV1 of the East Herts Local Plan Adopted Second Review April 2007.

16. The former garage wall adjacent to the eastern site boundary shall be repaired in accordance with details as set out in drawing 10/1465/007A prior to the first occupation of the development. Rendered wall panels shall match the approved render for the sheltered housing development or as may otherwise be agreed in writing by the local planning authority.

Reason: In the interest of the appearance of the development and the Conservation Area and in accordance with Policies ENV1 and BH6 of the East Herts Local Plan April 2007.

17. Prior to the commencement of the development, details of methods for accessing the site and provisions for construction traffic

access, associated parking areas and storage of materials shall be submitted to and as approved in writing by the local planning authority.

Reason: To ensure that adequate parking provision is retained at all times in accordance with Policy TR7 of the adopted East Herts Local Plan April 2007.

18. Prior to the first occupation of the development works for the disposal of surface and foul water shall have been provided on site in accordance with details first submitted to and as approved in writing by the local planning authority.

Reason: In the interests of securing the satisfactory drainage of the site.

19. Finished internal ground floor levels for the development shall be set at a minimum 37.15m AOD although there shall be no overall increase in the building ridge and eaves heights indicated on the approved section drawings T579/1465/027A and T579/1465/029.

Reason: In the interests of securing the development against surface water run off.

20. Prior to the first occupation of the development repairs to the north boundary wall shall be carried out in accordance with a schedule of repairs submitted to and as approved in writing by the local planning authority.

Reason: In the interests of the appearance of the development within this part of the Ware Conservation Area and in accordance with

Policies ENV1 and BH6 of the adopted East Herts Local Plan April 2007.

21. No plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

22. Wheel washing facilities shall be established within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such facilities, shall be established prior to the commencement of demolition or construction and shall be kept in operation at all times during demolition and construction works.

Reason: To prevent the tracking out of materials onto the highway in the interests of highway safety.

23. Prior to the first occupation of the development the applicant shall provide for the provision of Traffic Regulation Orders to secure appropriate parking controls along the Baldock Street (prohibiting loading/waiting) and Coronation Road (prohibiting waiting at any time) frontages.

Reason: In the interests of the safe and convenient uses of the public highway.

24. Prior to the commencement of above ground development, the applicant shall submit details of enhanced insulation measures and

the use of Heat Recovery Ventilators for the building.

Reason: To ensure the energy efficiency of the building and sustainable design within the development in accordance with Policy SD1 and ENV1 of the adopted East Herts Local Plan.

Directives:

1. Other Legislation.
2. Boundary wall. None of the works shall prejudice the repair of the north boundary wall the details of which are subject to provisions of separate planning conditions.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, HSG3, TR7, EDE2, ENV1, ENV2, BH6 and LRC3 and national guidance in PPS1 and PPS5. The balance of the considerations having regard to those policies and the (other material considerations relevant in this case) is that permission should be granted.



335 E/08/0331/B - UNAUTHORISED ERECTION OF A PORTACABIN BUILDING AND USE OF A COMPOUND FOR THE STORAGE OF REDUNDANT FRAMES IN CONNECTION WITH THE BUSINESS OF "WINDOWMAN AND SONS", A DOUBLE GLAZING COMPANY, AT FOXHOLES FARM, LONDON ROAD, HERTFORD, SG13 7NT

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The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0331/B, enforcement action be authorised on the basis now detailed.

Councillor R Gilbert stated that, whilst he did not object to enforcement action, he was concerned that such action might put 7 people out of work. He commented that the whole site had been untidy for some time, although he felt that the portacabin was not too bad as this was tucked away behind houses.

Councillor Gilbert expressed concerns that the site was covered in a number of skips that were being used for recycling. Councillor B M Wrangles and Councillor Mrs M H Goldspink also had concerns that enforcement action would be costing a family their jobs.

Councillor Goldspink stated that the portacabin was tucked away neatly behind the yard and enforcement action should not be taken. Councillor W Ashley stressed that a notice has to be served to prevent the development becoming authorised by default.

Councillor M R Alexander stated that the Committee should be mindful that the site was in the metropolitan green belt and the reasons put forward by Members for not taking enforcement action were not compelling.

Councillor D Andrews commented that there was nothing portable about this unauthorised portacabin. He stressed that there were other buildings on site that could be used for this type of business.

The Director confirmed that this was unauthorised development on a site that was in the metropolitan greenbelt. He stressed that although some Members felt that the portacabin was tucked away, this was little more than a container and was inappropriate development within the greenbelt.

The Director stressed that Officers had very clearly defined where enforcement action was to be taken so that the Authority would not be over enforcing on what was a very small area on this site. Officers were in negotiations with the owner of the site and Officers did not want to prejudice any further actions on this site.

Councillor R Gilbert proposed and Councillor A L Warman seconded, a motion that the period for compliance be extended to 6 months to allow the applicant more time to secure an alternative location for the business.

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

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/08/0331/B on the basis now detailed.

RESOLVED – that in respect of E/08/0331/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised developments from the land.

Period for compliance: 6 months.

Reasons why it is expedient to issue an enforcement notice:

1. The portacabin building and storage compound lie within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. These developments do not relate to any of these uses, and there are no very special circumstances apparent in this case to justify their retention. Furthermore, the unauthorised building is not of a suitable design and materials for the surroundings. The developments are therefore contrary to policies GBC1, GBC7 and GBC8 of the East Herts Local Plan Second Review April 2007 and contrary to national planning guidance in PPG2.

336 3/10/1271/FO – VARIATION OF CONDITION 3 OF PLANNING PERMISSION REF. 3/08/1390/FP TO ALLOW FOR THE REMOVAL OF APPROVED PEDESTRIAN GATE AND THE PROVISION OF POLE MOUNTED AMBER FLASHING LIGHTS MOUNTED AT ROADSIDE ON APPROACH TO PEDESTRIAN CROSSING POINT AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BROXBOURNE, EN10 7QA

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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1271/FO, planning permission be granted subject to the conditions now detailed.

Councillor R Gilbert referred to Brickenden Liberty Parish Council being opposed to the application. He expressed concerns that the local residents did not feel the removal of the condition was a good idea.

The Director stated that Hertfordshire Highways had not

objected to the removal of the condition. The Committee was advised that Officers had been particularly concerned in relation to the impact of the proposals on the rural area. However, Officers felt that on balance, the impact was acceptable given that the signage would only be used in busy periods such as the summer and school holidays.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1271/FO be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1271/FO, planning permission be granted subject to the following conditions:

1. The development to which this permission relates shall be begun before 22<sup>nd</sup> October 2011.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. No external lighting (2E26)
3. The flashing safety lights hereby approved shall be installed and activated only when the overflow car park is in use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety.

4. The lighting units hereby approved shall be finished in black, and details of their fixings shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of this rural lane and the surrounding Green Belt in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

5. Tree retention and protection (4P05)
6. Hedge retention and protection (4P06)
7. Tree Protection: Earthworks (4P10)
8. Landscape design proposals (4P12 i,j,k)
9. Landscape works implementation (4P13)
10. Details of earthworks/mounding (4P16)
11. Landscape maintenance (4P17)
12. Retention of landscaping (4P21)
13. The car park hereby permitted shall be used as an overflow car park only, in connection with Paradise Wildlife Park and not for any other purpose.

Reason: To ensure that no alternative use is made of the premises which would be likely to be a nuisance or annoyance to nearby occupiers.

14. The use of the car park shall be restricted to within half an hour before and after the normal opening hours of Paradise Wildlife Park.

Reason: In the interests of the amenities of the occupants of nearby properties.

15. No materials, debris, pollutants, vehicles or machinery associated with this overflow car

park are to be stored or used within the adjacent Wildlife Sites (71/033 Coldhall Green and White Stubbs Lane, and 71/063 Mortals Wood).

Reason: To protect local Wildlife Sites in accordance with policy ENV14 of the East Herts Local Plan Second Review April 2007.

16. Within 3 months of the date of this decision, the applicant shall, to the satisfaction of the local planning authority, ensure the provision of the access, visibility and highway works shown on drawing 11500992 0992-SK-01 rev E. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC14, TR7, TR20, ENV1, ENV2, ENV11, ENV14 and LRC10. The balance of the considerations having regard to those policies is that permission should be granted.

- 337 3/10/0090/FP - ERECTION OF 6 NO. FLATS, 2 NO HOUSES AND EXTENSION TO PUBLIC LIBRARY AT ADAMS YARD, MAIDENHEAD STREET FOR ATLANTIC HERTFORD LTD – (AMENDMENT OF S106 AUTHORISATION)

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0090/FP, subject to the applicant or successor in title entering into a legal

obligation pursuant to Section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/10/0090/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

1. The provision of a public pedestrian right of way across the application site between points A and B on Plan “A” towards the creation of a public pedestrian link to Maidenhead Street.
2. The funding of an agreement under Section 25 Highways Act 1980 (or equivalent) with the Highway Authority in relation to the creation of a public pedestrian right of way to the riverbank between points C and D on Plan “A”.
3. The provision of one dwelling to lifetime homes standards.
4. The payment to East Herts Council of £16,000 index linked for the provision, monitoring and maintenance of CCTV coverage within Adams Yard and Maidenhead Yard and the submission of valid planning and other related applications as appropriate.

in respect of application 3/10/0432/FP, planning permission be granted subject to the following

conditions:

1. Three Year Time Limit (1T12)
2. Boundary walls & fences (2E07)
3. Materials of construction (2E11)
4. Details of facilities to be provided for the storage and removal of refuse for the various businesses and uses around Maidenhead Yard, including elevation drawings and materials of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter maintained to the satisfaction of the local planning authority.  
Reason: In the interests of the appearance of the development within the Conservation Area, the setting of the listed building Seed Warehouse and the amenity of future residents, in accordance with policies BH6, BH 12 and ENV1 of the East Herts Local Plan Second Review April 2007.
5. Lighting details (2E27)
6. Details of entrances for the houses and flats directly to Maidenhead Yard shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The dwellings shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter maintained to the satisfaction of the local planning authority.



Reason: In the interests of the convenience or residents and perceived safety for users of Maidenhead Yard and in accordance with policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007.

7. Landscape design proposals (4P12 - b, e, I, k,).
8. Landscape works implementation (4P13)
9. Construction hours of working- plant & machinery (6N07)
10. Removal of permitted development rights Class A.
11. No part of the development shall be occupied unless and until the applicant has submitted valid planning and other related applications as necessary for CCTV installations for the site.

Reason: In order to secure the provision of CCTV in the interests of public safety.

12. Prior to first occupation of the development, the access from The Wash serving the development shall be resurfaced and completed in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and appropriate pedestrian and vehicular access to the development.

13. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority

and a scheme for mitigation shall be agreed in writing.

Reason: To ensure adequate protection of human health, the environment and water courses in accordance with policies SD5 and ENV20 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. The applicant is advised that it will be necessary for the developer to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access works. The applicant is advised to contact the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of development.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD2, SD5, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR14,

ENV1, ENV2, ENV4, ENV10, ENV11 and ENV20.  
The balance of the considerations having regard to those policies is that permission should be granted.

338 UPDATE ON ENFORCEMENT STATISTICS AND AUTHORISED ACTION

The Director of Neighbourhood Services submitted a report updating Members on recently authorised enforcement action.

The Committee noted the report as now detailed.

RESOLVED – that the report be noted.

339 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 9.52 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
COMMUNITY SCRUTINY COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON TUESDAY  
26 OCTOBER 2010, AT 7.00 PM

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PRESENT: Councillor C Woodward (Chairman)  
Councillors P R Ballam, S A Bull, K Darby,  
A D Dodd, P Grethe, Mrs D Hone and  
V Shaw.

ALSO PRESENT:

Councillors D Andrews and P A Ruffles.

OFFICERS IN ATTENDANCE:

Claire Bennett	- Housing Strategy and Policy Officer
Dave Cooper	- Performance Officer
Marian Langley	- Scrutiny Officer
Peter Mannings	- Democratic Services Assistant
George A Robertson	- Director of Customer and Community Services
Lizzie Robertson	- Community Safety Co-ordinator
Brian Simmonds	- Head of Community Safety

340 APOLOGIES

Apologies for absence were submitted from Councillors L O Haysey, G E Lawrence and R L Parker. It was noted that Councillor S A Bull was substituting for Councillor G E Lawrence.

341 MINUTES

RESOLVED - that the Minutes of the meeting held on 27 July 2010, be confirmed as a correct record and signed by the Chairman.

342 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that, in the period up to the Hunsdon by-election on 11 November 2010, "purdah" rules applied. These rules existed to ensure that there was no risk of public funds being used and/or actions undertaken to support one particular political party or individual.

The Chairman reminded Members that he welcomed any feedback on the new approach to meetings of the Community Scrutiny Committee.

The Chairman welcomed the guests from Hertfordshire Constabulary to the meeting.

343 DECLARATIONS OF INTEREST

Councillor S A Bull declared a personal interest in the matter referred to at Minute 347, in that he was a board member of South Anglia Housing Association.

Councillor P Grethe declared a personal interest in the matter referred to at Minute 347, in that she was a board member of Riversmead Housing Association.

Councillors P R Ballam and S A Bull declared personal interests in the matter referred to at Minute 350 in relation to EHPI8.42 and the Citizens Advice Bureau (CAB) in that they were Members of the CAB Committee.

344 HEALTH ENGAGEMENT PANEL

Councillor D M Hone provided a summary of what had recently taken place from a Hertfordshire County Council

Health Scrutiny perspective and in relation to topics and presentations covered at East Herts Health Engagement Panel meetings on 22 June 2010 and 19 October 2010.

Councillor Hone stated that the slides from the presentation given by Richard Beazley and Nick Carver at the 19 October 2010 meeting of the Health Engagement Panel had been circulated via the Members Information Bulletin. She also stated that the Minutes of the most recent meeting of the Health Scrutiny Committee were on the website of Hertfordshire County Council.

Councillor Hone referred to concerns around the lack of an urgent care centre for Bishop's Stortford. She stressed that the general view was this was currently unaffordable. She stated that the opening hours of the Herts and Essex Community Hospital had been extended on weekends and weekday evenings.

Councillor Hone emphasised that more information was needed in relation to what treatment was available at the Herts and Essex Community Hospital. Patients needed more guidance as to where they should go for treatment for all types of accidents. She stated that finance was a major concern with an ageing population placing an increased demand on health services.

In response to concerns from Councillor A D Dodd around anxiety and uncertainty in respect of healthcare provision for Bishop's Stortford and Sawbridgeworth, Councillor Hone stressed that talks were ongoing with the Princess Alexandra Hospital.

She also stated that discussions were due to take place with the Leader and Councillor R L Parker in relation to healthcare provision. The MP for Hertford and Stortford had also not forgotten about the issue.

RESOLVED – that (A) the Minutes of the Health Engagement Panel meetings held on 22 June 2010 and 19 October 2010 be received; and

(B) the update of Hertfordshire County Council's Health Scrutiny Committee be noted.

345 COMMUNITY SAFETY ACTION PLAN: PROGRESS ON OUTCOMES AND ACTIONS

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The Head of Community Safety and Licensing submitted a report updating Members on the progress made by the Community Safety Partnership in respect of the delivery of the Community Safety Plan 2008 -11.

The Committee was provided with detailed information in respect of crime trends in East Herts. Members were reminded that East Herts remained a safe place to live, work and visit. This was borne out by the consistently low levels of crime in comparison with national trends and the neighbouring districts within Hertfordshire.

Members were referred to page 79 of the report now submitted for the East Herts Community Safety Action Plan for 2010/11. The Head of Community Safety and Licensing stressed that the allocation of resources would likely result in less funds being available to the Community Safety Partnership.

The Chairman stated that the perception of crime was often far higher than the actual levels of criminal activity. He emphasised the role of crime prevention panels in maintaining the low levels of crime in East Herts.

The Community Safety Co-ordinator, advised that there were two crime prevention panels in the District and both were very successful. She stated that funding was available for crime prevention measures that were identified by these panels.

Councillor A D Dodd stated that Hertfordshire Constabulary was to be congratulated on its performance. He expressed concerns in relation to funding cuts impacting on the provision of PCSOs in East Herts. He



commented however, that the public seemed more willing to engage with Street Pastors than with the Police.

In response to a query from Councillor K Darby on how the success of Street Pastors was being measured, the Community Safety Co-ordinator stated that she did receive information in respect of the performance of the Street Pastors.

Inspector Chris Hunt commented that a measure of success was the fact that Street Pastors were frequently being called upon to work later into the night due to the late night economy. The Head of Community Safety and Licensing stated that difficult choices might have to be made in relation to Street Pastors and PCSOs as funding was being put at risk due to the current economic climate.

Councillor P R Ballam commented that problems often arose due to the activities of one or a group of licensed premises. Inspector Hunt advised that the police were generally pleased with the results of Officers going out to diffuse situations with the late night economy.

He commented that the recent review of the Boars Head Premises Licence in Bishop's Stortford had been a positive outcome and a lot of work had gone into that application. He stated however, that the outcome of the review of the Hertford Sugar Hut Premises License had been a shame for all concerned.

In response to a comment from Councillor S A Bull in respect of noise disturbance until 3 am, Inspector Hunt stated that PCSOs typically only worked until midnight unless there was an urgent requirement for their support later than this.

The Head of Community Safety and Licensing stressed that joint funding of PCSOs and Taxi Marshalling required constant liaison to avoid a house of cards style collapse in support should one agency or authority withdraw support.

Inspector Hunt stated that a lot of work was ongoing in respect of diversionary activities, such as work with youth clubs to keep young people off the streets where they could be causing a disturbance to some residents.

He further advised that CCTV was increasingly being monitored as part of the constant battle against supplying alcohol to minors. He stressed that this was an offence and CCTV was often used to provide evidence. It was usually a requirement of the premises licence for the licensee to install CCTV which could then be reviewed by police after appropriate permission had been granted.

The Community Safety Co-ordinator emphasised that the action plans detailed in the report now submitted were updated every quarter and the Community Safety Partnership was performing well against its objectives.

In response to concerns raised by Councillors P R Ballam and C B Woodward in respect of poorly attended police locality meetings and poor publicity, Inspector Hunt stated that recent meetings had been planned well in advance, before the new police shift patterns had been finalised. He expressed his hope that this situation would improve. He stressed that if Members of the public were interested in the activities of the police, then they would attend the meetings.

The Committee received the report.

RESOLVED – that the comments now detailed, in respect of progress made against the 2008 - 2011 Community Safety Action Plan, be noted.

#### 346 DESIGNATED PUBLIC PLACE ORDERS (DPPOS)

The Head of Community Safety and Licensing gave a presentation in respect of Designated Public Places Orders (DPPOs) in East Herts. He stated that powers under the Criminal Justice and Police Act (2001) enabled local authorities to designate areas with restrictions on drinking

alcohol in public.

Members were advised of the powers available to Officers under DPPOs. The public were not committing an offence just by drinking in such an area, but were in breach of the law if they failed to stop drinking when instructed to do so by an Officer.

The Committee was made aware of the consultation that should take place before a DPPO was put in place. There were 4 DPPOs in East Herts; Priory Grounds in Ware, Parsonage Lane in Bishop's Stortford, Hertford Town Centre and Bishop's Stortford Town Centre. Sawbridgeworth Town Centre was also due to be designated a DPPO.

Members were introduced to Bishop's Stortford DPPO as an example of a town centre DPPO. The Head of Community Safety and Licensing presented an analysis of why DPPOs were necessary. He also provided an explanation as to whether DPPOs had been successful in East Herts.

The Committee was advised that the East Herts Community Safety Partnership had requested continued support for DPPO applications when there was sufficient evidence to support their need, as well as resources available to enforce them.

In response to a query from Councillor A D Dodd, the Committee was advised that Members would have input into the preparation of a DPPO, such as the one due be put in place in Sawbridgeworth.

The Committee noted the presentation.

RESOLVED – that the presentation be noted.

347 EAST HERTS HOUSING HOMELESSNESS AND  
HOMELESS PREVENTION ACTION PLAN: ANNUAL  
MONITORING REPORT

The Executive Member for Housing and Health submitted

a report that highlighted successful performance on the second year of the Homeless and Homeless Prevention Strategy Action Plan 2008-2013. Members were advised that the report also presented Members with a review of the Action Plan for their consideration.

The Housing Strategy and Policy Manager advised that Officers were having a busy year in terms of issuing debt advice and assisting residents who were experiencing debt problems. The Committee was advised that residents who sought assistance from debt advice workshops often had severe issues with debt.

Members were advised that housing associations often used mortgage repossession grants to buy a private property from a resident in debt and then leased that property back to them. A data sharing protocol for key information was being developed so that people experiencing debt problems could be identified earlier by Housing Associations, the Citizens Advice Bureau (CAB) and Local Authorities.

The Committee was advised that the Homeless Prevention Grant had been renewed for another year. Officers had expected this grant to end in 2010 but this was not now the case. The Grant was £30,000 and Officers had the freedom to utilise this funding as they saw fit. However, the size of this grant in the next financial year had not yet been published.

Councillor V Shaw sought and was given clarification as to the approach taken when dealing with hidden homeless households. The Housing Strategy and Policy Manager stated where a resident had been evicted and was in debt, they would not be allowed back onto the housing register until they had a payment plan in place for at least 6 months and their debt had reduced to £250.

Members were advised that for some who were in debt, the only way forward was to seek accommodation through housing associations or the private sector

housing market.

The Committee received the report.

RESOLVED – that the progress of the Homeless and Homeless Prevention Strategy Action plan 2008-2013 be noted.

348 EQUALITIES: DELIVERING BETTER SERVICES FOR OUR CUSTOMERS - IMPROVED OUTCOMES FOR COUNCIL SERVICE USERS

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The Director of Customer and Community Services submitted a report updating Members on the progress made since the original action plan had been presented to Community Scrutiny Committee on 27 October 2009.

The Director advised Members that the new Equalities Act 2010 collated what had become a fragmented situation in terms of legislation. He advised that this report identified any changes in obligation following the new Equality Act, which came into force on 1 October 2010.

Members were advised that there might be issues for the Authority under the new Act in terms of awareness raising, particularly when reviewing employment policies. The Director emphasised that Members would be kept informed as more detail about the implications of this Act became clearer.

The Director stated that equality impact assessments had already impacted on the functions of the Authority. He cited the example whereby refuse collectors adhered to special collection arrangements for residents who were less physically able. The Benefits service also offered special assistance to those who had difficulty reading and writing. Members were referred to Essential Reference Paper 'B' for a more comprehensive list of modifications.

The Committee received the report.

RESOLVED – that (A) progress made with the Equalities Impact Assessments by way of the Equalities Action Plan be noted;

(B) service modifications to better meet the needs of the District's diverse communities be noted; and

(C) the changes in obligation to the Council arising from the new Equality Act 2010, which came into force on 1 October 2010, be noted.

349 2010/11 SERVICES PLANS - SUMMARY OF PROGRESS AND EXCEPTIONS REPORT

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The Leader of the Council submitted an exception report of 2010/11 Service Plan Actions relevant to Community Scrutiny Committee which had been achieved and those requiring a revised completion date.

The Performance Officer advised that two actions had been completed and 6 actions had required revised completion dates. Members were referred to Essential Reference Paper 'B' of the report now submitted, for information relating to these 8 actions.

Councillor P R Ballam expressed concerns relating to delays to improvements at Presdales Recreation Ground. The Director reported that contracts had been signed and works had commenced on 18 October 2010. He advised that completion was envisaged for January 2011.

Councillor A D Dodd commented on the predestination of North Street, Bishop's Stortford. He expressed concerns that changes to the phasing of the traffic lights could mean that vehicular traffic could take a considerable length of time to get through, if North Street was closed to traffic.

The Director advised that Mouchel PLC had been

commissioned to conduct a traffic study for this area of the town.

The Committee received the report.

RESOLVED – that (A) the 2010/11 Service Plan actions be received; and

(B) the revised completion dates be noted.

350 COMMUNITY SCRUTINY CORPORATE HEALTH CHECK:  
JUNE - AUGUST 2010

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The Director of Customer and Community Services submitted an exception report on the performance of the key indicators relating to Community Scrutiny Committee for the period June 2010 to August 2010.

In response to a query from a Member in respect of National Indicator (NI) 181, the Director undertook to provide a written response relating to the time taken to process housing and council tax benefit claims and change events.

Councillor K Darby commented on why there was no target for East Herts Performance Indicator (EHPI) 8.12. The Director advised that EHPI 8.12 was a new indicator and there was no benchmark data for the purposes of comparing performance.

In response to a request for clarity around the wording in relation to EHPI 8.43 and the Meals on Wheels Service, the Director referred to an e-mail sent to the Head of Community and Cultural Services. The message had stated that a number of clients of Hertfordshire Community Meals had ended up with different meals to what had been requested.

Hertfordshire Community Meals had stressed there was no call for concern as a new software provider was being sought to ensure that the booking system could support

the service that the organisation aspired to. The Director advised that this company was about to embark on a full scale operational review to ascertain how the service could be delivered in a more cost effective and efficient manner.

The Committee received the report.

RESOLVED – that the report be received.

351 SCRUTINY WORK PROGRAMME 2010/11

The Chairman invited Members to review the work programme of Community Scrutiny Committee.

The Scrutiny Officer drew the Committee’s attention to the Joint Scrutiny meetings in January and February 2011. She stated that these meetings were to scrutinise budget items for 2011/12 and also to consider service plans and estimates and future targets for 2011/12.

RESOLVED – that the Work Programme, as now submitted, be approved.

The meeting closed at 9.00 pm

Chairman .....
Date .....



MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON THURSDAY 4 NOVEMBER  
2010, AT 4.30 PM

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PRESENT: Councillor M P A McMullen (Chairman)  
Councillors W Ashley, P R Ballam,  
K A Barnes, Mrs R F Cheswright, J Demonti,  
N C Poulton, R A K Radford, P A Ruffles,  
R I Taylor, J J Taylor, N Wilson,  
B M Wrangles and A L Warman

OFFICERS IN ATTENDANCE:

Jeff Hughes	- Head of Democratic and Legal Support Services
Paul Newman	- Interim Licensing Manager

352 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Beeching and A L Burlton. It was noted that Councillor A Warman was attending as a substitute for Councillor R Beeching.

353 FEEDBACK ON STATEMENT OF LICENSING POLICY

**The Director of Neighbourhood Services submitted a report advising that the Authority was required to publish, every three years, its Statement of Licensing Policy. The policy detailed the principles the Authority would apply when exercising its function under the Licensing Act 2003.**

**The Committee recalled that, at its meeting held on 22 July 2010, it had approved a draft revised policy for**

**public consultation.**

**The Director reported that no responses had been received during the consultation period.**

**The Committee noted the lack of public response. It agreed to recommend Council to approve the revised Statement of Licensing Policy.**

**RECOMMENDED – that the revised Statement of Licensing Policy (as submitted to the Licensing Committee meeting on 22 July 2010) be approved.**

354 MINUTES

RESOLVED - that the Minutes of the meeting held on 22 July 2010 be confirmed as a correct record and signed by the Chairman.

355 LICENSING SUB-COMMITTEE

RESOLVED - that the Minutes of the meetings of the Licensing Sub-Committee held on 25 June, 12 July, 12 August, 19 August, 2 September, 13 September and 21 September 2010 be received.

(Note: Councillor Mrs P Ballam questioned the accuracy of the Minutes of the meeting held on 21 September 2010 in so far as they needed to record that Councillor M McMullen substituted for both her and Councillor J Demonti in respect of the items now specified. This information was recorded under Minute 29. It would be for the Licensing Sub-Committee at its next meeting to confirm, or otherwise, the accuracy of the record.)

356 ATTENDANCE AT LICENSING SUB-COMMITTEE

The Director of Internal Services submitted a report on details of Members' attendance at meetings of the Licensing Sub-Committee held since 12 May 2010.

The Head of Democratic and Legal Support Services stated that the (three) Members of the Sub-Committee were selected from the membership of the parent Licensing Committee on a meeting by meeting basis. The schedules of attendance now submitted detailed Members who had been selected from the parent Committee. Its aim was to provide reassurance that the selection process secured, as far as possible, an even distribution of the Sub-Committee's workload amongst Licensing Committee Members. Future reports on this subject would make this purpose clear.

RESOLVED – that the report be received.

357 LICENSING UPDATE

The Director of Neighbourhood Services submitted a report presenting data for the periods 1 April to 30 June and 1 July to 30 September 2010 on applications for:

- Alcohol, entertainment and late night refreshment licences under the Licensing Act 2003;
- Gaming licences under the Gambling Act 2005, and
- Taxi Drivers, vehicle proprietors and operators licences.

The Director also detailed the number of current licences etc, in respect of the various licensing functions now detailed.

Members expressed concern over the ever increasing practice of queuing taxis being parked by their drivers outside the designated taxi rank area in Railway Street (and Market Street), Hertford. Members observed that these vehicles were partially parked on footways thus posing a safety hazard to pedestrians.

The Committee agreed to request the Director of Customer and Community Services (Parking Manager) to ensure that parking restrictions in this area of Hertford were enforced, particularly through the issue of penalty parking notices to

offending taxi drivers parking unlawfully in the manner now detailed. Members considered that any time leeway for drivers to move their vehicles before a penalty parking notice was issued should be waived. The Director was also requested to liaise with Hertfordshire Constabulary to enlist its support and assistance in enforcing parking restrictions in and around Railway Street.

The Committee agreed that the Director of Neighbourhood Services should be requested to investigate the possibility of issuing penalty points under taxi licensing conditions to taxi drivers unlawfully parked on public highways. Once a predetermined level of points had been accumulated then a driver's fitness to hold a taxi licence could be reviewed.

RESOLVED – that (A) the Director of Customer and Community Services (Parking Manager) be requested:

- (1) to ensure that parking restrictions in the Railway Street area of Hertford were enforced, particularly through the issue of penalty parking notices to offending taxi drivers parking unlawfully in the manner now detailed (and without any time leeway for drivers to move their vehicles before a penalty parking notice was issued); and
- (2) to liaise with Hertfordshire Constabulary to enlist its support and assistance in enforcing parking restrictions in and around Railway Street, Hertford; and

(B) the Director of Neighbourhood Services be requested to investigate the possibility of issuing penalty points under taxi licensing conditions to taxi drivers unlawfully parked on public highways (on the basis that once a predetermined level of points had been accumulated then a driver's fitness to hold a taxi licence could be reviewed).

358 ENFORCEMENT UPDATE - 1 JANUARY - 30 APRIL 2010

The Licensing Manager submitted a report presenting data on licensing compliance and enforcement activity in respect of:

- premises licensed for gambling, the sale of alcohol, regulated entertainment and late night refreshment, and
- Hackney Carriage and Private Hire drivers, vehicles and operators

for the period 1 January to 30 April 2010.

RESOLVED – that the report be received.

359 ENFORCEMENT UPDATE - 1 MAY - 30 AUGUST 2010

The Licensing Manager submitted a report presenting data on licensing compliance and enforcement activity in respect of:

- premises licensed for gambling, the sale of alcohol, regulated entertainment and late night refreshment, and
- Hackney Carriage and Private Hire drivers, vehicles and operators

for the period 1 May to 30 August 2010.

In response to comments from Councillor Mrs P Ballam, the Licensing Manager undertook to liaise with Hertfordshire Constabulary to secure the enforcement of licence conditions requiring licensees to attend local Pub Watch meetings.

RESOLVED – that the report be received.

360 REVIEW OF LICENSING ENFORCEMENT POLICY

The Director of Neighbourhood Services submitted a report on proposed amendments to the Council's Licensing Enforcement Policy.

The Director detailed the reasons for the proposed changes within the report now submitted.

RESOLVED – that the revised Licensing Enforcement Policy, appended to the report now submitted, be approved.

The meeting closed at 5.30 pm

Chairman .....
Date .....

## EAST HERTS COUNCIL

THE COUNCIL – 8 DECEMBER 2010

### REPORT BY THE EXECUTIVE MEMBER FOR RESOURCES AND INTERNAL SUPPORT

#### COUNCIL TAX - CALCULATION OF COUNCIL TAX BASE 2011/12

WARDS AFFECTED: All

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#### Purpose/Summary of Report

- To recommend to the Council the calculation of the council tax base for the whole district, and for each parish and town council, for 2011/12

#### **RECOMMENDATIONS FOR DECISION: that:**

**(A) the calculation of the Council's tax base for the whole District, and for the parish areas, for 2011/12 be approved, with the continuation of the 90% of the full charge for second homes and long term empty properties, and**

**(B) pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated by East Hertfordshire District Council as its council tax base for the whole area for 2011/12 shall be 58123 and for the parish areas listed below for 2011/12 shall be as follows:-**

Table 1

ALBURY	276.92	HIGH WYCH	323.93
ANSTEY	154.94	HORMEAD	329.88
ARDELEY	207.46	HUNSDON	479.27
ASPENDEN	123.96	LITTLE BERKHAMSTED	277.04
ASTON	435.05	LITTLE HADHAM	533.47
BAYFORD	222.15	LITTLE MUNDEN	417.70

BENGEO	298.37	MUCH HADHAM	939.27
BENINGTON	393.64	SACOMBE	88.71
BISHOP'S		STANSTEAD ST.	
STORTFORD	15201.88	MARGARETS	713.13
BRAMFIELD	119.15	SAWBRIDGEWORTH	3719.92
BRAUGHING	579.39	STANDON	1795.16
BRENT PELHAM /			
MEESDEN	148.39	STANSTEAD ABBOTTS	745.83
BRICKENDON	291.17	STAPLEFORD	260.72
BUCKLAND	125.97	STOCKING PELHAM	82.18
BUNTINGFORD	2003.58	TEWIN	815.73
COTTERED	317.22	THORLEY	302.01
DATCHWORTH	747.76	THUNDRIDGE	623.48
EASTWICK /			
GILSTON	195.52	WALKERN	650.95
FURNEUX PELHAM	254.90	WARESIDE	316.49
GREAT AMWELL	1019.77	WARE TOWN	7339.23
GREAT MUNDEN	142.19	WATTON - AT - STONE	989.45
HERTFORD	11361.30	WESTMILL	162.52
HERTFORD HEATH	977.98	WIDFORD	233.95
HERTINGFORDBURY	311.64	WYDDIAL	72.68
		<b>TOTAL</b>	<b>58123</b>

## 1.0 Background

- 1.1 Calculation of the council tax base is governed by statutory regulation and the Council has limited discretion.
- 1.2 As a billing authority the council must notify the County Council and the Police Authority of the tax base and must do this between 1 December and 31 January preceding the tax year. The Council must also tell a parish what their tax base is within 10 working days of any written request
- 1.3 The tax base will be used by the Council when setting the rates of council tax at the March Council meeting.
- 1.4 The tax base calculations must be made by the Authority as a whole.
- 1.5 The regulations set out the following formula to be used to calculate the tax base:-



Tax base = A x B

(A is the total of the “relevant amounts”)

(B is the estimated collection rate)

Item A, the total of “relevant amounts” is found by a second formula:-

$$\text{Item A} = (H - (I \times E) + J) \times \frac{F}{G}$$

where:

H is the estimated number of dwellings, which are shown in the valuation list at 31 October 2010, adjusted for exemptions.

I x E is the number of discounts estimated to be allowed multiplied by the discount rate of 25%.

J is the estimated equated number of new less demolished dwellings plus the estimated change in discounts for 2011/12 and the effect of successful appeals.

$\frac{F}{G}$  converts the number of dwellings in each valuation band to a “Band D” equivalent.

Item A can be summarised as the effective number of equivalent Band D properties after taking the actual number in each valuation band and allowing for valuation changes, for errors and appeals, new properties, periods of exemption, reductions for disabled persons and discounts for single occupiers and unoccupied properties.

## 2.0 Report

2.1 The assumptions made are as follows:

### Number of taxable properties

2.2 In the six years to March 2008 there was a substantial growth in house building, and tax base forecasts anticipated a consistent level of additional new properties becoming

taxable. However, the last two years have seen some proposed local housing developments mothballed or deferred in response to the recession.

- 2.3 For 2011/12 it is assumed that there will be limited new completions with a net addition of only 144 new properties by 31 March 2012. These have been allocated to parish areas on the basis of development in hand and planning approvals. It is assumed that all new dwellings will be exempt for the first six months and that a proportion of discounts will apply thereafter. No valuation increases have been assumed for improvements and extensions as these do not take effect until properties are sold on.
- 2.4 It has been assumed that 261 properties will qualify for disabled persons reductions, based on experience in the current year.
- 2.5 A figure of 1228 exemptions/voids is included in line with the current position. Further increases will have a negative impact on the tax base.

#### Collection Rate

- 2.6 Item B in the tax base formula is the estimate of the collection rate for 2011/12. For 2010/11 a collection rate of 98.75% was agreed and notwithstanding the increased numbers of reminders, summonses and liability orders issued in the year to date this is expected to be achieved. The 2010/11 rate was reduced from the 99% in prior years and the evidence from the benefits case load is that it would be prudent to retain the reduced rate for a further year.
- 2.7 This gives an overall tax base of 58123 which is an increase over the previous base of 0.57% i.e. 332 Band 'D' equivalent properties.
- 2.8 Should any Member have detailed questions or comments on the assumptions it would be of great benefit to advise the Director of Internal Services or the Executive Member for Resources and Internal Support well in advance of the meeting.

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

Local Authorities (Calculation of the Tax Base) Regulations 1992  
(as amended)

Contact Member: Councillor Michael Tindale - Executive  
Member for Resources and Internal  
Support

Contact Officer: Alan Madin – Director of Internal Services,  
ext 1401

Report Author: Su Tarran - Head of Revenues and  
Benefits, ext 2075

Contribution to the Council's Corporate Priorities/ Objectives:	Contributes to the health and sustainability of the organization by recommending the council tax base for the next financial year.
Consultation:	None
Legal:	The Council must set the tax base in accordance with relevant regulations.
Financial:	The S151 officer, has confirmed that the assumptions are prudent.
Human Resources:	None
Risk Management:	The assumptions made are reasonable at the current time but consideration should be given to the fluidity of the current economic climate in reviewing the position during the year.

EAST HERTS COUNCIL

COUNCIL – 8 DECEMBER 2010

REPORT BY THE DIRECTOR OF INTERNAL SERVICES

INDEPENDENT REMUNERATION PANEL

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

To constitute the Council's Independent Remuneration Panel (IRP)

**RECOMMENDATIONS: that (A) in relation to the constitution of the Independent Remuneration Panel and Terms of Reference  
(*Council to determine – see options in report*)**

1.0 Background

1.1 Council, at its Annual meeting held on 12 May 2010, considered options for constituting the Council's Independent Remuneration Panel (IRP) – there are 5 vacancies.

1.2 Council agreed that the Monitoring Officer, in consultation with the Director of Internal Services, be authorised to identify suitable candidates from the following 5 "constituencies:

- (A) former East Herts District Councillors;
- (B) the East Herts business community;
- (C) other public sector bodies with a presence in East Herts (e.g. the local Primary Care Trust);
- (D) existing or former members of other local authorities IRP's (within or outside Hertfordshire), and
- (E) members of East Herts town/parish councils (excluding anyone who is also a Member of a Principal Authority).

## 2.0 Report

2.1 Members are reminded that candidates for an IRP should be assessed using the criteria detailed in guidance issued by the Department for Communities and Local Government entitled "Guidance on members' allowances for local authorities in England."

- Members of the panel cannot be members (or co-opted members) of any local authority in respect of which it makes recommendations;
- Anyone disqualified from being elected as a member of a local authority is also disqualified from being a member of the panel;
- The membership of the panel should be truly independent and well qualified to discharge its functions and be representative of the diversity of the District's communities;
- To ensure public credibility in their independence, the extent to which panel members are recognisable members of the local community – avoiding political appointments and appointments made through friendship or any other personal association with Members of the Council;
- The extent of any applicant's connections to a political party and whether these are such as to risk the effective discharge of the panel's functions, and
- An applicant's knowledge of local government and the way it works – although lack of familiarity with the Council's functions should not be a bar to appointment.

2.2 The Director of Internal Services duly contacted individuals and representative groups to put forward nominations.

2.3 Council, at its meeting on 29 September 2010 agreed that it could not constitute the IRP on the basis of the information then available and requested Officers to seek further details from those expressions of interest, as well as holding open the deadline for new expressions of interest until 1 October 2010.

2.4 Listed below are the remaining (and subsequent) expressions of interest received in respect of each category:

Former Councillors

Mr B C Engel; Mr C Harris; Ms D Desmulie; Mrs S Newton; Mrs N Burdett; Mrs D Richards;

East Herts Business Community

Mr J Reynolds (Carnival Fancy Dress); Mr N Cope (Hertford Energy);

Public Sector Bodies

None;

Other local authority IRP Members

Mr B Welch (Watford); Mr D McNeil (Watford);

East Herts Town/Parish Councillors\*

Ms D Lemay (Buntingford), Mr P Boylan (Braughing), Mr D Filer (Watton-at-Stone), Mr J Pool (Little Munden)

2.5 To assist Council to ensure that its IRP:

- (a) is independent;
- (b) is reasonably knowledgeable about local government;
- (c) is representative of a range of backgrounds and experiences, and
- (d) members will undertake their duties with an open mind,

all the individuals detailed were sent a questionnaire (see **Essential Reference Paper 'B'**) to complete.

2.6 Responses received have been copied to all of Council's elected members separately. Council does not intend to publish any information provided. However, all individuals were advised (and members should note) that Council may be required to supply a redacted copy of the statements in response to Freedom of

Information requests.

2.7 At the time of writing this report and notwithstanding further requests for information, responses have not been received from:

Ms D Desmulie, Mrs D Richards, Mr J Reynolds, Mr N Cope, Mr B Welch, and Ms D Lemay.

2.8 Members will note that no expressions of interest now remain for the public sector bodies group. Similarly, with no completed questionnaires returned, it could be argued that the candidatures from the East Herts Business Community should not be considered.

2.9 Council is invited to constitute the Panel (of 5 members) from those individuals now detailed who have responded to the questionnaire. In the next Civic year, Officers will continue with attempts to identify potential candidates from the vacant constituencies. As and when identified, Council would be invited to reconsider the constitution of the Panel.

2.10 Council is also invited to identify any specific terms of reference for the Panel (in addition to the statutory remit of reviewing and reporting its recommendations on the level of basic, special responsibility, dependant careers and travel allowances).

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

### Background Papers

Department for Communities and Local Government: Guidance on members' allowances for local authorities in England

Contact Officer: Alan Madin - Director of Internal Services - ext 1401

Report Author: Jeff Hughes – Head of Democratic and Legal Support Services – ext 2170



## ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<b>Fit for purpose, services fit for you</b> <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i>
Consultation:	Not applicable.
Legal:	The appointment of Panel members accords with the provisions of relevant legislation.
Financial:	There are no financial implications apart from the administration costs of the Committee. Panel Member allowances at £250 each per year will be met from within existing budgets.
Human Resource:	There are no Human Resource implications.
Risk Management:	The Council needs to give serious consideration to ensuring not only the independence of the panel but also the public perception of this independence. The Panel needs to be constituted in order for the Authority to consider its recommendations when determining the level of allowances to apply for 2011/12.

## ESSENTIAL REFERENCE PAPER B

### **Application for membership of the East Herts Independent Remuneration Panel**

The Council wishes to ensure that its Independent Remuneration Panel is independent, reasonably knowledgeable about local government and representative of a range of backgrounds and experiences and that Panel members come with an open mind.

Applicants are therefore asked to respond briefly in writing to the questions set out below. It is not expected that responses to all questions should be more than 3 pages long.

Responses will be copied to all of the Council's elected members who will make the decision on appointment.

If for any reason you do not wish to provide a response to a question please give a brief commentary of the reason for this.

*Please note that if you are disqualified from being elected as a member of a local authority you cannot be appointed to an Independent Remuneration Panel. In submitting an application you will be representing that you are not so disqualified and the Council may make reasonable enquires to confirm you are not disqualified.*

Q1 Please set out your understanding of the role of a council's elected members and how the cabinet system of governance operates in a local council. Outline how this understanding has been gained.

Q2 Please state your current and past membership of or affiliation to any political party, campaigning organisation or group relevant to the public sector.

Q3 Please outline any affinity you have to East Herts as a place in which to live, work or visit.

Q4 Please provide details of any work or other experience which you feel will be of particular help to you as a member of the panel.

Q5 Please provide details of any family, business or social relationship in the last 5 years with any member of East Herts Council.

Q6 The Council wishes to ensure the Panel is widely representative of the community and therefore has attached to this document a form used to monitor applications for employment with the Council in accordance with the Council's equalities policy. Normally, this information is used in confidence by the Council's HR section and is not shared with those making appointments. Please state whether in this instance any information you supply may be shared with elected members.

Q7 Please make any other comments which you wish members to have regard to when making the appointments.

Council does not intend to publish any information you provide. However, the Council may be required to supply a redacted copy of the statements you make in response to Freedom of Information requests.

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## EAST HERTS COUNCIL

COUNCIL – 8 DECEMBER 2010

REPORT BY HEAD OF DEMOCRATIC AND LEGAL SUPPORT SERVICES

REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

WARD(S) AFFECTED: All

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### **Purpose/Summary of Report**

- **To review the Council's decision-making structure following the by-election in Hunsdon.**

<b><u>RECOMMENDATIONS FOR DECISION:</u> That:</b>	
<b>(A)</b>	<b>the allocation of seats be as set out in the report now submitted, and</b>
<b>(B)</b>	<b>the membership of Scrutiny Committees, Regulatory Committees be as set out in the (papers to be tabled), with Members being appointed in accordance with the wishes of the political groups to whom the seats on these bodies have been allocated.</b>

### 1.0 Background

1.1 Council, at its Annual meeting in May 2010, approved the decision-making arrangements for the discharge of functions for the 2010/11 Civic Year.

1.2 A subsequent Council by-election means that the Authority needs to review the allocation of seats on its committees.

### 2.0 Scrutiny Committees, Regulatory Committees

2.1 The following three scrutiny committees were constituted by Council in May 2010 comprising the following number of Members:

Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10

2.2 The following Committees were also established:

Development Control Committee (16 Members)  
 Licensing Committee (15 Members)  
 Human Resources Committee (7 Members)  
 Audit Committee (7 Members)

### 3.0 Political Groups

3.1 Where Members of the Council are divided into political groups, the provisions of the Local Government and Housing Act 1989 place a duty on the Council to review the allocation between those groups of seats on its Scrutiny Committees and Regulatory Committees according to certain principles. The aim is to ensure that the political composition of the Committees, etc, reflects the composition of the Council. The rules of proportionality do not apply to the Executive.

3.2 There are three political groups constituted within East Herts Council. In addition, account must be taken of those Members, if any, who are not Members of political groups on the Council. Those Members are entitled to a proportion of seats in relation to their relative percentage size. The proposed allocation is set out below. It reflects the outcome of a recent District Council by-election. The newly elected Member has joined with another Member to (re)form the Independent political group.

<b><u>COMMITTEES</u></b>	<b><u>Seats</u></b>	<b><u>Cons</u></b>	<b><u>Lib Dem</u></b>	<b><u>Ind</u></b>	<b><u>JW</u></b>	<b><u>Vac</u></b>
Community	10	8	1	0	0	1
Environment	10	8	1	1	0	0
Corporate Business	10	8	1	0	1	0
Development Control	16	13	2	1	0	0
Licensing	15	13	1	1	0	0
Human Resources	7	6	1	0	0	0
Audit	7	5	1	0	1	0

3.3 It is for Council to appoint such Members to the seats allocated in accordance with the relative sizes of political groups. To facilitate seat allocation, where a group’s entitlement equates to a whole number plus half a seat, a rounding up and down process (to the nearest integer) has been followed. The groups etc underlined have seen their allocations rounded up (those in italics – the opposite). Details are as follows:

	<u>Members</u>	<u>Seats</u>
<i>Conservative:</i>	41	61
<u>Liberal Democrat:</u>	5	8
Independent Group:	2	3
<u>Independent Member:</u>	1	2
<i>Vacancy</i>	1	1

3.4 The recommendation at the head of this report identifies the need to allocate seats on the Council’s Scrutiny and Regulatory Committees to political groups and the non-aligned Member as required by legislation.

3.5 Political groups nominate the Members of the Council whom they wish to see occupy those seats allocated to them. The nominees need not be a member of the political group which nominates them.

3.6 Council must appoint the nominees of the political groups to the seats allocated.

3.7 Members of the Executive may not be appointed to serve on Scrutiny Committees. Executive Members may, if the Council so wishes, be appointed to the Regulatory Committees, the Audit and Human Resources Committees and Standards Committee.

4.0 Standards Committee

4.1 Council has previously established a Standards Committee consisting of one District Council Member from each political group of four Members or more, two Parish Council members, one Town Council member and four independent members.

4.2 All of these Members, except for the District Council Members, have been appointed until the Annual Council meeting in 2011. Council appointed four District Councillors for 2010/11 at its Annual Meeting.

## 5.0 Conclusion

5.1 The recommendation at the head of this report (and the allocation of seats detailed above) reflects the outcome of the recent by-election for Hunsdon and the formation of the Independent political group. The seat allocation is based on relative sizes of groups. It is worth highlighting that seats allocated to the Independent group, the individual independent Member and the “vacancy” on the three scrutiny committees are interchangeable. These parties are entitled to one seat each over all the scrutiny committees, but the allocation can be in whatever combination Council feels appropriate. The recommended allocation reflects the least amount of change (the change being that the (re)formed Independent group of two Members (formerly three) no longer has a seat on Community Scrutiny Committee).

## 6.0 Implications/Consultations

6.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**.

### Background Papers

None

Contact Officer: Jeff Hughes, Head of Democratic and Legal Support Services, ext 2170

Report Author: Jeff Hughes, Head of Democratic and Legal Support Services



**ESSENTIAL REFERENCE PAPER 'A'**

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	The proposals set out in this report will support all of the Council's corporate objectives.
Consultation:	The appropriate consultation with Group Leaders has taken place. In advance of this meeting, the Head of Democratic and Legal Services liaised with political group leaders in order to obtain their nominations to their group seats on various bodies, where relevant. Details of these nominations will be circulated to all Members. Council is invited to note that one of the recommendations before them will enable these nominations to be appointed to the seats allocated to groups.
Legal:	The proposals set out in this report accord with the statutory provisions for reviewing the Council's decision-making structure.
Financial:	None
Human Resource:	None
Risk Management:	The Council needs to establish a robust and clear decision-making structure to enable it to function effectively and make decisions in an expeditious manner which is accountable to the electorate.

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