

Public Document Pack

EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that an Extraordinary meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 29th March, 2017 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 21st day of March 2017

Head of Legal and
Democratic Services

Note: Prayers will be said before the meeting commences. 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 5 - 16)

To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 1 March 2017.

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 - 21 March 2017

To receive a report (to follow) from the Leader of the Council and to consider recommendations on the matters below:

(A) East Herts District Plan - Regulation 22 Consultation Statement, March 2017

(B) East Herts District Plan - Duty to Co-operate Compliance Statement, March 2017

(C) Equalities Impact Assessment of the East Herts District Plan, March 2017

(D) East Herts District Plan - Proposed Minor Changes, Submission and Examination

(E) East Herts Infrastructure Delivery Plan, February 2017

(F) Transport Modelling - COMET and VISUM Technical Papers

(G) Approach to Master Planning and Delivery of Strategic Sites

8. Development Management Committee: Minutes - 8 February 2017 (Pages 17 - 30)

Chairman: Councillor T Page

9. Members Allowances Scheme (Pages 31 - 36)

To consider a report of the Head of Legal and Democratic Services

10. Motions on Notice

To receive Motions on Notice.

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing committee.services@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

MINUTES OF A MEETING OF THE
COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 1 MARCH 2017, AT 7.00 PM

PRESENT: Councillor K Crofton (Chairman).
Councillors D Abbott, A Alder, M Allen,
D Andrews, P Ballam, P Boylan, R Brunton,
E Buckmaster, M Casey, Mrs R Cheswright,
S Cousins, G Cutting, B Deering,
I Devonshire, H Drake, M Freeman, B Harris-
Quinney, L Haysey, G Jones, J Jones,
G McAndrew, M McMullen, P Moore,
W Mortimer, D Oldridge, T Page, M Pope,
S Reed, P Ruffles, S Rutland-Barsby,
C Snowdon, R Standley, M Stevenson,
N Symonds, K Warnell, G Williamson,
C Woodward and J Wyllie.

OFFICERS IN ATTENDANCE:

Isabel Brittain	-	Head of Strategic Finance and Property
Philip Gregory	-	Head of Strategic Finance and Property (outgoing)
Martin Ibrahim	-	Democratic Services Team Leader
Helen Standen	-	Director
Liz Watts	-	Chief Executive
Kevin Williams	-	Acting Head of Legal and Democratic Services

577 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members, Officers and the public to the meeting and reminded everyone that the meeting was being webcast.

He advised that this was the last Council meeting to be attended by Philip Gregory, Head of Strategic Finance and

Property. He wished him well for the future. He also welcomed his replacement, Isabel Brittain, to her first Council meeting.

The Chairman expressed his delight to welcome three special local residents who had been recognised in the Queen's 2017 New Year Honours List and were in attendance at the meeting. He introduced Janet Bird, Diane Croston and Diana Gee.

Janet Bird had received a BEM for services to the community. For 20 years, Janet Bird had been organising and managing Christmas Alone, a superb group that provided lunch, entertainment and friendship at Sele School for people on Christmas Day. For those who could not travel to the school, volunteers delivered a meal and company to their home instead. Janet was also one of the founders of the Hertford food bank, reaching out to people in crisis because of cash flow problems. She was also Chairman of Hertfordshire Convalescent Trust which provided grants for people who could not afford a holiday.

Diane Croston had received a BEM for services to education. This was recognition for all the hard work and passion that she had shown at Morgans school in her four years as Chair of Governors. Diane had helped support the staff, children and families and her education background had enabled her to share her experience and skills in creating the happy, stimulating learning environment that was Morgans school.

Diana Gee had received a BEM for services to the community in Hunsdon. She had lived in Hunsdon for the past 35 years. As a former nurse, she had dedicated 30 years to voluntary service with regional and national charities, notably Save The Children and Isabel Hospice. She had been an integral member of the hospice shop in Bishop's Stortford and for more than a decade had acted as Chairman of the Hunsdon over-three score club, a charity that organised trips, activities and lunches for people over the age of sixty. As a nurse, Diana had worked for more than 12 years at the North Middlesex hospital. It was also her role as a former nurse and

until recently a member of the Much Hadham GP patient group that had allowed her to offer support to people throughout the community who struggled with various medical problems.

The Chairman invited each award recipient to come forward and receive a certificate in recognition of their achievements.

The Chairman also referred to other East Herts residents who had been honoured but were unable to attend the meeting. Reginald Smith, better known as Marty Wilde, Cynthia Stroud, the dynamic founder of Pretty Gorgeous Cakes in Hertford, and Jonathan Russell, a civil servant of 28 years' standing who had demonstrated his commitment to public service through working in a variety of posts across Government.

The Chairman detailed some of the highlights of events the Vice-Chairman and he had attended in recent weeks, which had included various civic dinners, two pantomimes, a quiz night in Bishop's Stortford and a film festival in Buntingford. He also looked forward to the East Herts Got Talent event on 12 March 2017, and urged Members to support what would be a great evening.

578 MINUTES

RESOLVED – that the Minutes of the Council meeting held on 14 December 2016, be approved as a correct record and signed by the Chairman.

579 MEMBERS' QUESTIONS

Question 1

Councillor T Page welcomed the new policy for laying Committee Minutes before Full Council after they have been agreed by committee, but could not understand why minutes of the Executive Committee were excluded from this process. He referred to the minutes of the 7th February under Agenda Item 7, and commented that Members were, effectively, being asked to confirm these, unless they were intended to be

included as an essential reference paper. As the Executive Committee afforded backbench Members a scrutiny backstop, and could become a policy enabling vehicle, he asked whether the Leader agreed that the democratic process would be better protected if the Executive minutes also had to be previously agreed before being ratified by Council.

In reply, the Leader clarified the new process and referred to some concerns expressed by Members over committee minutes that had yet to be approved as a correct record being included within the Council agenda. She believed that the new process would provide greater transparency and opportunity for Members to comment on draft minutes before publication. Once approved as a correct record by the relevant committee, the minutes would be included in the next available Council agenda. She emphasised that there was no legal requirement for any committee minutes to be included in the Council agenda and indeed, many Authorities did not. In East Herts, it had been custom and practice over many years and she believed showcased the important work undertaken by all committees.

As for the Executive, firstly, she emphasised that the Executive was not a committee of the Council, but a separate legal entity that had been charged with exercising specific functions under the Leader/Executive model of governance adopted by the Council in 2001. The new process applied to committees only and not the Executive for a very good reason. Members were familiar that an essential component of the Council's decision-making system was for the Executive, on some occasions, to make recommendations to Council. Indeed, at this meeting, there were recommendations on three important issues for Council to determine.

The Leader believed that this was the most efficient way to deal with these issues, as the alternative would be to regurgitate 350 pages from the last Executive meeting on this agenda, or delay making important decisions like setting budgets on which the council tax would be agreed. She asked Members to note that they were not being asked to

confirm the Executive minutes as their accuracy would be a matter for the Executive to consider at its next meeting.

Finally, the Leader did not accept the suggestion that the role of scrutiny was in the gift of the Executive. It was Council, via its constitution that had defined the important work that scrutiny, and all other committees, carried out. Indeed, the Council would be considering a report later on developing the important role of scrutiny further.

580 EXECUTIVE REPORT - 7 FEBRUARY 2017

The Leader echoed the comments of the Chairman in respect of the Honours recipients. She also expressed her thanks and best wishes to Kevin Williams, Acting Head of Legal and Democratic Services, as this would be his last meeting.

RESOLVED – that the Minutes of the Executive meeting held on 7 February 2017 be received.

(see also Minutes 581 – 583)

581 BUDGET REPORT AND MTFP 2017/18 – 2020/21

The Executive Member for Finance and Support Services presented the Budget and Medium Term Financial Plan (MTFP) proposals for 2107/18 – 2020/21. He referred to the national context and the expectation that the Government would be looking for further savings in the forthcoming Budget. He reminded Members that the Council had been given a four year settlement, but there remained a budget gap, which could only be met by reducing costs and increasing income.

He referred to initiatives, such as Digital East Herts, increasing efficiencies and ongoing staffing restructures that aimed to achieve a better use of the Council's diminishing resources. In terms of increasing income, he spoke of the need to increase investment returns by taking advantage of commercial opportunities that might be available, such as developing a housing property company.

The Executive Member also referred to proposals on fees and charges for the coming year, the Council's use of reserves and the capital programme. He detailed the revised New Homes Bonus regime and the impact this would have on the Council's funding. Finally, he referred to Council Tax levels and reminded Members that this had been frozen or reduced for the past seven years. However, it had always been recognised that this would be unsustainable in the long term and so a rise of 2% for this year would be proposed.

He concluded by thanking Officers across all services for their continued hard work and support, and by stating that whilst the funding position remained volatile for the foreseeable future, there remained challenges and opportunities ahead for the Council.

In accordance with the provisions of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken on the budget proposals now detailed, the result being:

FOR

Councillors D Abbott, A Alder, M Allen, D Andrews, P Ballam, P Boylan, R Brunton, E Buckmaster, M Casey, Mrs R Cheswright, S Cousins, K Crofton, G Cutting, B Deering, I Devonshire, H Drake, M Freeman, B Harris-Quinney, L Haysey, G Jones, J Jones, G McAndrew, M McMullen, P Moore, W Mortimer, D Oldridge, T Page, M Pope, S Reed, P Ruffles, S Rutland-Barsby, C Snowdon, R Standley, M Stevenson, N Symonds, K Warnell, G Williamson, C Woodward, J Wyllie.

AGAINST

None

ABSTENTIONS:

None

For: 39

Against: 0

Abstentions: 0

Council approved the recommendations as now detailed.

RESOLVED – that (A) the comments of the joint meeting of Scrutiny Committees be received;

(B) the forecast 2016/17 underspend transfer to the Transformation Reserve, as now detailed at paragraph 4.11 of the report submitted, be approved;

(C) the 2017/18 Revenue Budget, including:

- Budget Savings and Growth, set out in Section 6, paragraph 6.2 of the report submitted;
- Contingency Budget, set out in Section 8, paragraph 8.3 of the report submitted;
- use of Earmarked Reserves, set out in Section 9 of the report submitted;
- consideration of the advice from the Section 151 Officer on the level of reserves and the robustness of the forecasts in setting the budget as required by Section 25 of the Local Government Act 2003 (section 15);

be approved;

(D) the proposed 2017/18 Schedule of Charges, as detailed at section 7 of the report submitted, be approved;

(E) the East Herts Council element of the Council Tax Demand, as detailed in paragraph 11.4 of the report submitted, be approved;

(F) the Capital Programme for the period 2015/16 (Revised) to 2019/20, the funding of the programme and the consequential revenue budget implications as set out in section 12 of the report submitted, be approved;

(G) the Medium Term Financial Plan covering 2016/17 (Revised) to 2020/21 as set out in section 13 of the report submitted, be approved; and

(H) the Reserves Policy as set out in Section 14 of the report submitted, be approved.

(see also Minute 580)

582 TREASURY MANAGEMENT STRATEGY STATEMENT
2017/18

RESOLVED – that (A) the report be received;

(B) the Treasury Management Strategy and Annual Investment Strategy detailed in paragraphs 2.1 – 2.2 of the report submitted be approved;

(C) the prudential indicators detailed in paragraph 2.3 of the report submitted be agreed; and

(D) the counter party listings detailed in paragraph 2.4 of the report submitted be agreed.

(see also Minute 580)

583 HERTFORD CONSERVATION AREA APPRAISAL AND
MANAGEMENT PLAN

The Executive Member for Development Management and Council Support updated Members with two additional items that needed consideration before the final process for adoption could be completed. She advised that the modern development of Greencoates had been nominated for exclusion from the Conservation Area throughout the process, but the area had only been identified as Gwynns Walk. Also, 34 Ware Road, a distinctive 1930s style building, would now be designated in the document as ‘an unlisted building of architectural or historical interest’. The freeholders and owners of both sites would be notified and consulted and any subsequent alterations would be made under the delegated

powers referred to in the recommendations.

RESOLVED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Hertford Conservation Area Appraisal and Management Plan be supported;

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary; and

(C) the Hertford Conservation Area Appraisal and Management Plan be supported for adoption.

(see also Minute 580)

584 DEVELOPMENT MANAGEMENT COMMITTEE: MINUTES - 11 JANUARY 2017

RESOLVED – that the Minutes of the Development Management Committee meeting held on 11 January 2017, be received.

585 JOINT MEETING OF SCRUTINY COMMITTEES: MINUTES - 17 JANUARY 2017

RESOLVED – that the Minutes of the joint meeting of Scrutiny Committees held on 17 January 2017, be received.

586 PROPOSED CHANGES TO SCRUTINY

The Chief Executive submitted a report seeking approval for changes to the way in which the Council undertook scrutiny, in order to deliver high quality and value for money scrutiny.

Council considered the detail of the proposed changes and noted the comments of the joint meeting of scrutiny

committees held on 14 February 2017. Two key proposals relating to the way scrutiny work plans were set and the number of scrutiny committees were detailed, as were various other recommendations at paragraph 3.17 of the report submitted. Members also noted the proposals relating to the establishment of a Community Wellbeing Forum.

Council approved the recommendations now detailed.

RESOLVED – that (A) the new scrutiny arrangements, as now detailed, including the two key proposals of:

- improving the way scrutiny work plans are set; and
- reducing the number of scrutiny Committees from five to two,

be approved and implemented from May 2017;

(B) the further proposals for ways to improve scrutiny, as detailed in paragraph 3.17 of the report, be noted;

(C) the plans to set up a Community Wellbeing Forum, as detailed in paragraph 3.19 of the report, be noted.

587 COUNCIL TAX 2017/18

The Executive Member for Finance and Support Services submitted a report proposing Council Tax levels in 2017/18. Council noted the precepts set by Hertfordshire County Council (HCC), Hertfordshire Police Authority (HPA) and the revised list for Parish and Town Councils, which had been detailed in the supplementary report submitted.

In accordance with the provisions of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken on the Council Tax resolution, the result being:

FOR

Councillors D Abbott, A Alder, M Allen, D Andrews, P Ballam, P Boylan, R Brunton, E Buckmaster, M Casey, Mrs R Cheswright, S Cousins, K Crofton, G Cutting, B Deering, I Devonshire, H Drake, M Freeman, B Harris-Quinney, L Haysey, G Jones, J Jones, G McAndrew, M McMullen, P Moore, W Mortimer, D Oldridge, T Page, M Pope, S Reed, P Ruffles, S Rutland-Barsby, C Snowdon, R Standley, M Stevenson, N Symonds, K Warnell, G Williamson, C Woodward, J Wyllie.

AGAINST

None

ABSTENTIONS:

None

For: 39

Against: 0

Abstentions: 0

Council approved the recommendations as now detailed.

RESOLVED – that (A) the Council Tax resolution, as now submitted, be approved;

(B) the local precepts as set out at Essential Reference Paper 'C' of the report be noted; and

(C) the Hertfordshire County Council and Hertfordshire Police Authority precepts be noted.

588 MOTION OF CENSURE

The Monitoring Officer submitted a report advising that the Standards Sub-Committee, at its hearing meeting held on 13 December 2016, had considered a report by the Investigating Officer which had concluded that former Councillor James Cartwright had breached the Authority's Code of Conduct in relation to the matters identified. The Standards Sub-Committee had decided that the Member had failed to comply

with the Code and decided that formal censure by motion was appropriate.

Councillor B Harris-Quinney commented that, whilst not condoning the actions detailed in this particular case, free speech via modern social media channels should not be compromised.

Council approved the censure motion as now detailed.

RESOLVED - that former Councillor James Cartwright be censured for his conduct in respect of the matter detailed by the Investigating Officer in his report to the Standards Sub-Committee meeting of 13 December 2016.

589 APPOINTMENT OF CHIEF FINANCIAL OFFICER

Council received a report advising on the appointment of the new Chief Financial Officer and s151 responsibilities within the Authority, following the recent resignation of the current post-holder. Isabel Brittain, the new Head of Strategic Finance and Property Services, had commenced her duties on 20 February 2017 and would assume the s151 responsibilities from 2 March 2017.

RESOLVED – that the appointment of the new Head of Strategic Finance and Property Services as the Council’s s151 Officer be noted.

The meeting closed at 7.57 pm

Chairman
Date

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 8 FEBRUARY 2017, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, R Brunton,
M Casey, B Deering, M Freeman,
J Goodeve, J Jones, D Oldridge, R Standley
and K Warnell.

ALSO PRESENT:

Councillors P Boylan, S Bull, S Cousins,
S Reed, P Ruffles and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Victoria Clothier	- Legal Services Manager
Paul Dean	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

562 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that Member training had been arranged for Thursday 23 February 2017 in respect of new District Plan policies and article 4 directions.

563 MINUTES – 11 JANUARY 2017

RESOLVED – that the Minutes of the meeting held on 11 January 2017 be confirmed as a correct record and signed by the Chairman.

564 3/15/2081/OUT – OUTLINE PLANNING FOR UP TO 160 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS AT LAND TO NORTH OF STANDON HILL, PUCKERIDGE FOR MR J BOND

Ms Veater addressed the Committee in objection to the application. Mr Davis spoke for the application. Councillor P Boylan, as the local ward Member, addressed the Committee in respect of a number of detailed concerns regarding the outline application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2081/OUT, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted.

The Head explained that this was an outline application with all matters reserved apart from the access to the south west corner of the site onto Cambridge Road. He detailed the legal position regarding outline applications and advised that a range of conditions could be applied as detailed in the report as well as a Section 106 legal agreement.

The Head set out the policy context with particular reference to the fact that the Council was unable to demonstrate a 5 year housing land supply. He referred to the National Planning Policy Framework (NPPF) test of whether the harm was significantly and demonstrably and whether it outweighed the benefits of 160 new homes.

The Head referred to the shortcomings highlighted by objectors and Officers had acknowledged the validity of some of the concerns. Officers had also considered a range of technical advice. Members were reminded that

the highways impact had to be judged as severe before permission could be refused on that basis.

Highways Officers and the applicant's highways consultant plus a consultant engaged by the Council had all concluded that the impact was acceptable in terms of highways safety and the capacity of the Cambridge Road/A120 junction.

Members were advised that the weight that could be given to the emerging District Plan and the local Neighbourhood Plan had to be tempered by the fact that there were unresolved objections. The Head concluded by referring to national policy and the substantial weight that had to be given to housing delivery. He detailed a number of relevant points detailed in the additional representations summary.

Councillor D Andrews highlighted the views of the highway authority and the consultants in terms of highways safety and the capacity of the Cambridge Road/A120 junction. He referred to the importance of a robust travel plan and expressed concerns regarding pedestrian safety. He commented on the damage to the pedestrian refuge and the evidence of vehicles having skidded before hitting this refuge.

Councillor D Andrews disagreed with the consultant's views that the junction had a good safety record. He referred to the 85th percentile speed and the view that motorists at this speed would only stop in time if a vehicle had started to turn out of Cambridge Road if they reacted immediately. He stated his concerns regarding the motorists who exceeded this speed.

Councillor D Andrews referred to the significant walk to bus stops and the difficulties of accessing the bus stop on the south side of the A120. He detailed the public transport options for commuting and other general travel out of the village. He summarised the village amenities and the considerable walks required to access them.

Councillor D Andrews concluded that on balance this scheme was too early and there were too many questions and issues to be resolved by planning conditions. He commented on the possibility that the concerns of the Environment Agency and Thames Water could be resolved by engineering solutions.

Councillor J Goodeve commented on the lack of further information from the Clinical Commissioning Group (CCG) regarding the justification for the £417,532.80 contribution detailed in paragraph 10.58 of the report. Councillor K Warnell referred to policies GBC2 and GBC3 and the issue of inappropriate development in the green belt. Councillor B Deering referred to unanswered questions regarding sustainability and a number of other uncertainties in the report.

Councillor R Brunton referred to other large strategic sites in the emerging District Plan. He stated that he was having trouble supporting this application in its current format as there were too many unknowns as referred to in paragraphs 10.9 and 11.2 of the Officer's report. He concluded that the applicant should consider the Neighbourhood Plan and bring forward a more detailed scheme. Councillor M Casey expressed his surprise regarding the south westerly access onto Cambridge Road. He referred to the possible closing of the Cambridge Road/A120 junction with access onto the A10.

Councillor D Andrews commented on the numbers of new homes with the benefit of planning permission in the area around Standon. He stated that a rough total was getting quite close to the total number of new homes detailed in the District Plan for Standon and Puckeridge. He also referred to the significant work that had gone to the Neighbourhood Plan.

The Head responded to the point raised by Councillor J Goodeve in respect of health services as well as the query regarding policies from the East Herts Local Plan

Second Review April 2007 raised by Councillor K Warnell. He also responded in detail to Members' queries regarding transport sustainability, highways and pedestrian safety and the emerging Neighbourhood Plan.

Councillor D Andrews proposed and Councillor B Deering seconded, a motion that application 3/15/2081/OUT be refused on the grounds that the application was contrary to policies ENV1, ENV2, OSV1 and OSV2 of the East Herts Local Plan Second Review April 2007; policies DES1, DES2, DES3 and VILL1 of the pre-submission District Plan 2016; and the NPPF. The proposals were also contrary to the aims of policies TR1 and TR4 of the East Herts Local Plan Second Review April 2007; policies TRA1 and TRA2 of the pre-submission District Plan 2016 and section 4 of the NPPF.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/2081/OUT, outline planning permission be refused for the following reasons:

1. The proposal, by reason of the location of new development on the elevated eastern end of the site, would result in a harmful visual impact in the wider landscape and views from the south and west. The harm identified cannot adequately be mitigated and the proposal is thereby contrary to policies ENV1, ENV2, OSV1 and OSV2 of the East Herts Local Plan Second Review April 2007; policies DES1, DES2, DES3 and VILL1 of the pre-submission District Plan 2016; and the NPPF.
2. The location of the site, with limited opportunities for future residents to make significant use of sustainable and active

means of transport and because of the scale of development proposed, is such that it performs poorly in transport sustainability terms with limited prospect that the harm caused as a result of this can be mitigated. As a result, the proposals are contrary to the aims of policies TR1 and TR4 of the East Herts Local Plan Second Review April 2007; policies TRA1 and TRA2 of the pre-submission District Plan 2016 and section 4 of the NPPF.

3. The proposal would result in additional vehicular movements at the junction of Cambridge Road/A120, which is already perceived to operate poorly in highway safety terms, thereby exacerbating the harm to both vehicular and pedestrian highway users. The proposal is thereby contrary to the aims and objectives of national planning policy set out in the NPPF and policies TRA1 and TRA2 of the pre-submission District Plan 2016.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

565 3/16/1877/OUT – ERECTION OF LOW CARBON CONTINUING CARE RETIREMENT COMMUNITY COMPRISING OF: 80 BED CARE HOME AND UP TO 96 CLASS C2 FLEXI CARE / ASSISTED LIVING UNITS. SHARED COMMUNAL FACILITIES INCLUDING SWIMMING POOL, GYMNASIUM, DAY CENTRE, THERAPY ROOMS, RESTAURANT, STORE/POST OFFICE, AND PUBLIC WOODLAND WALKING AREAS. ALL MATTERS RESERVED AT FORMER BRICKFIELDS, OFF COLE GREEN WAY, HERTINGFORDBURY FOR WOODLANDS RETIREMENT VILLAGE LTD

Mr Woroniecki addressed the Committee in objection to the application. Councillor S Rutland-Barsby, as the local ward Member, addressed the Committee in respect of her concerns that a non-determination appeal had been submitted. She referred in detail to a number of other significant concerns.

The Head of Planning and Building Control recommended that, in respect of application 3/16/1877/OUT, had East Herts Council been in a position to determine this application, it would have refused planning permission for the proposed development for the reasons detailed in the report now submitted.

The Head referred to the appeal for non-determination and illustrated how this situation had arisen. Members were advised that a number of outstanding technical matters had necessitated another period of consultation and the application had gone beyond the 13 week period for determination. Members were being asked to indicate what their decision would have been had they determined the application.

The Head detailed the application and advised that Officers had recommended refusal due to the potential for substantial harm to the openness of the metropolitan green belt. Members were advised that the Health and Safety Executive were concerned regarding the proximity of a gas pipeline to this site.

Officers felt that the benefits, including housing delivery, would not clearly outweigh the harm to the green belt. The Head detailed a number of points in the late representations summary. Councillor R Brunton felt that the application should be refused due to the potential harm to the green belt and the proximity of the gas pipe line.

Councillor D Andrews made reference to policy ENV26 of the East Herts Local Plan Second Review April 2007. Councillor B Deering highlighted the lack of any positives regarding this scheme. He referred to the weekly flooding of the B158.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/1877/OUT, had East Herts Council been in a position to determine this application, it would have refused planning permission for the proposed development for the reasons detailed in the report submitted.

- 566 A) 3/16/2151/FUL AND B) 3/16/2152/LBC – CONVERSION OF EXISTING MALTINGS BUILDING TO 12 RESIDENTIAL UNITS WITH ASSOCIATED OFF-STREET PARKING AT CENTRAL MALTINGS, 14 NEW ROAD, WARE, SG12 7BS FOR MR M WARNER
-

Mr Wood addressed the Committee in support of both applications.

The Head of Planning and Building Control recommended that in respect of application 3/16/2151/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted. The Head also recommended that in respect of application 3/16/2152/LBC, listed building consent be granted subject

to the conditions detailed in the report now submitted.

The Head detailed the site history and the current application and referred to additional parking spaces and the proposed landscaping scheme. Members were advised that Officers felt that a residential use was not the most appropriate use of the building and Officers had accepted that there would be some loss of employment.

Members were reminded that access issues were a civil matter between the relevant landowners. The Head acknowledged the potential for overlooking and advised that obscure glazing to lounge accommodation would be inappropriate in terms of the amenity of future occupiers.

Members were further advised that on balance, Officers considered the applications to be acceptable subject to conditions including a condition referred to by Councillor D Andrews regarding construction hours of working. Councillor R Standley expressed concerns regarding overlooking from the windows of the proposed development.

The Head confirmed to Councillor D Oldridge that no specific projects had been identified for the funding detailed on page 134 of the report submitted. Members agreed to a suggestion from Councillor M Allen that details of the proposed access and dust mitigation arrangements and construction hours of working should be submitted to and approved in writing by the local planning authority.

The Head confirmed that Members could give Officers delegated authority to seek up to the maximum funding provision, in relation to the Councils published policy position in the s106 planning Obligation Agreements SPD, in the Section 106 legal agreement. Councillor D Oldridge proposed and Councillor M Casey seconded, a motion that the application 3/16/2151/FUL be granted subject to Officers being given delegated authority to seek up to the maximum funding provision for the Section 106

legal agreement.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee accepted the recommendations of the Head of Planning and Building Control as now submitted.

RESOLVED – that (A) in respect of application 3/16/2151/FUL, planning permission be granted subject to Officers being given delegated authority to seek up to the maximum funding provision in the Section 106 legal agreement, in relation to the Councils published policy position in the Section 106 Planning Obligation Agreements SPD, and subject to the conditions detailed in the report submitted and subject to the following amended conditions:

11. Prior to the commencement of any works details of the proposed access arrangements to the site and to the northern maltings building during construction works shall be submitted to and approved in writing by the local planning authority. Such details shall include the provision of space within the site to provide for the parking of construction workers vehicles and for the delivery and storage of materials. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of suitable access arrangements to the site and to adjacent residential properties during the construction of the development and to reduce any impact on kerbside parking in the area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

15. Prior to the commencement of the development details of construction methods

and dust mitigation measures shall be submitted to and approved in writing by the local planning authority. In connection with all site preparation and construction works, no plant or machinery shall be operated on the premises before 07:30hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays and not any anytime on Sundays or bank holidays.

Reason: To safeguard the amenities of nearby residents in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

(B) in respect of application 3/16/2152/LBC, listed building consent be granted subject to the conditions detailed in the report submitted.

567 3/16/2114/HH – SUBTERRANEAN EXTENSION TO FORM BASEMENT SWIMMING POOL AND PARKING AREA AT ROWNEYBURY, HARLOW ROAD, SAWBRIDGEWORTH, CM21 0AJ FOR MR JOHNSON

Mr Cavill addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/2114/HH, planning permission be refused for the reasons detailed in the report now submitted.

The Head detailed the nature of the application and advised that the proposed development constituted inappropriate development in the metropolitan green belt in line with the policies of the National Planning Policy Framework (NPPF).

Members were advised the proposed scheme could cause substantial harm to the green belt and the application should only be approved if there were very

special circumstances. The Head referred to the positive impacts of the application as detailed in paragraph 10.17 of the report submitted.

Councillors M Allen, R Brunton, M Casey and J Jones expressed support for the scheme and referred in particular to the special circumstances why the application should be approved. Councillor D Andrews referred to how the large volume of soil excavated would be removed from the site. He felt that the scheme would not affect openness and he sought more detail regarding the visible elements of the application.

Councillor D Oldridge felt that the application could cause significant harm to the green belt and stated that the benefits did not outweigh the harm. He queried the depth of the underground development and expressed concerns that a significant chunk of green belt would have to be excavated.

Councillor K Warnell considered that there would be no visible harm from this project in a green belt location. The Head estimated the excavated depth to be approximately 2.5 to 3 metres. Members were advised that details of the stair casing, car lift and arrangements for spoil removal had not been submitted to Officers.

Councillor D Andrews proposed and Councillor M Allen seconded, a motion that application 3/16/2114/HH be deferred to enable Officers to seek additional information in relation to the details of the proposal.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/2114/HH, planning permission be deferred to enable Officers to seek additional information in relation to the details of the proposal.

568 ITEMS FOR REPORTING AND NOTING

The Head of Planning and Building Control highlighted a number of recent appeal decisions and referred in detail to a number of points of interest.

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 9.40 pm

Chairman
Date

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EAST HERTS COUNCIL

EXTRAORDINARY COUNCIL – 29 MARCH 2017

REPORT BY THE MONITORING OFFICER

MEMBERS' ALLOWANCES SCHEME

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- **This report concerns the Members' Allowances Scheme for 2017/18.**

<u>RECOMMENDATIONS FOR COUNCIL:</u> that:	
(A)	the appointment of three new Independent Remuneration Panel Members be noted; and
(B)	the deadline for consideration of the Members' Allowance Scheme be extended until Annual Council in May 2017.

1.0 Background

1.1 The Council's Constitution requires the Members' Allowance Scheme to be reviewed by an Independent Remuneration Panel every year and by the deadline of 31 March. A quorum of three Members is required. Three new IRP Members have recently been appointed by the (former) Monitoring Officer under his delegated authority. Training will be required before a meeting of the IRP can be convened and this is currently being arranged. In the circumstances, Members are asked to note the appointment of the three new Members and to extend the current Members' Allowance Scheme for consideration at Annual Council in May 2017.

2.0 Report

2.1 The Council's Constitution requires the Members' Allowance

Scheme to be reviewed by an Independent Remuneration Panel (IRP) every year and by a deadline of 31 March. A quorum of three Members is required. Three new IRP Members have recently been appointed by the former Monitoring Officer under his delegated authority. The three new Members bring a range of expertise and knowledge and will be valuable additions to the existing (two) Panel Members (Sally Newton and Jonathan Poole). The new members are:

- Nicholas Moss
- Christopher Leage
- Glenn Sexton

2.2 It is important to note that before an IRP meeting can be convened, new appointees will need to be given appropriate training. This is currently being arranged by the Monitoring Officer and has not been possible to arrange prior to this meeting.

2.3 Members will recall that Council on 1 March 2017 approved changes to the new committee structure with the formation of two new committees; Performance, Audit and Governance and Overview and Scrutiny Committee. The formation of these new committees may impact on the Special Responsibility Allowance (SPA) scheme which will need to be addressed when the Constitution is submitted for consideration. Changes to the Constitution are currently being drafted by the Governance Consultant (and former Acting Head of Legal and Democratic Services) in line with the decision of Audit and Governance Committee in September 2016 and the Localism Act 2011 (and other statutory requirements).

2.4 The Monitoring Officer will report back on both these issues at Annual Council and on the suggestion that future reviews of the Members' Allowance Scheme take place at Annual Council.

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

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives:	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	None
Legal:	The Authority is required each year, to make a scheme for the payment of specified allowances. Before making a scheme, the Authority shall have regard to the recommendations made to it by its IRP.
Financial:	None
Human Resource:	None
Risk Management:	None
Health and wellbeing – issues and impacts:	None

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