

MINUTES OF A MEETING OF HERTFORD TOWN COUNCIL
HELD IN THE SALISBURY ROOM, THE CASTLE, HERTFORD ON
MONDAY, 19 JANUARY 2009

The Mayor, Councillor Miss K P Darby

Councillors, Mrs H P Durbin, J F Cook, Mrs B S Haddock, Mrs D M Hone, D R Poole, R A K Radford, Dr L E Radford, Miss J C S Sartin and N Wilson, Mrs B Wrangles, Mrs S M P Newton

Mrs N L Villa, Town Clerk
Miss M Challis, Assistant to the Town Clerk
Rev Jo Loveridge, The Mayor's Chaplain

Prayers - The Mayor's Chaplain, Rev Jo Loveridge, led the opening prayers

228. DECLARATIONS OF INTEREST

The Town Clerk read advice received from the Standards Board for England regarding declarations of interests, with particular reference to the Mudlarks planning application.

Councillors J F Cook and Mrs B M Wrangles declared a personal interest as allotment holders.

Councillor N Wilson declared a personal interest as the Chairman of the Community Services Committee.

The Mayor declared a personal interest as she has appeared with Mudlarks in a publicity photograph.

Councillor S M P Newton declared a prejudicial interest as an Executive Member of Adult Care Services at Hertfordshire County Council. Adult Care Services provide funding for the Mudlarks project. She declared that she would exercise her right to speak, under paragraph 12(2) of the Standards Board for England Code of Conduct before leaving the meeting.

Councillor H P Durbin declared a prejudicial interest as her son is involved in the planning process of the Mudlarks application. She also declared that she would exercise her right to speak under paragraph 12(2) of the Standards Board for England Code of Conduct before leaving the meeting.

229. MAYOR'S ANNOUNCEMENTS

The Mayor reminded Councillors about the Civic Service at Hertingfordbury on Sunday 25 January.

230. THE MINUTES

It was **RESOLVED** that:

The Minutes of the Town Council Meeting held on 15 December 2008 be approved as a correct record, subject to the amendment that Councillor Mrs D M Hone was not present and the Chairman authorised to sign the same.

231. QUESTIONS AND/OR STATEMENTS FROM MEMBERS OF THE PUBLIC

Statements were read by Councillors Mrs S M P Newton and Mrs H P Durbin, and also Vic Hobson (Mudlarks), Mr Andrew Goodman and Mr Harvey Fairbrass.

Councillor Mrs S M P Newton

My involvement: as Executive Member of Adult Care Services, Herts County Council.

The Mudlarks scheme has been set up to offer opportunities to people with learning disabilities who are interested in gardening and outdoor activities.

The scheme offers an alternative to people attending more traditional day centres, and is very much in line with the Government's Valuing People agenda and the drive in Hertfordshire's day modernisation programme to offer people with disabilities the chance to participate in activities and use facilities in the general community.

The local learning disability team supports Mudlarks for people attending the scheme which is both popular and successful. Undertaking this sort of activity in a group and for people with a disability requires organisation and pre-planned sessions –

In any activity or location it is appropriate to make reasonable adjustments to allow people with disabilities to access the same facilities, activities or locations as other people.

However we are addressing the planning aspects of this proposal only and so I wish to draw your attention to two parts of the report:

The recent refusal of the planning application is given in Paper A 3.3 reads:

The committee resolved to refuse the application on the grounds that “although the allotment use is appropriate in the Green Belt, the buildings are considered to be excessive in scale and therefore detrimental to the openness of the Green Belt. The proposal would therefore be contrary to policy GBC1 of the East Herts Local plan Second review April 2007.”

Due to my being away recently, convalescing after an operation and stay in hospital, I do not have the details of how excessive the buildings may or may not be, and question really is whether the EHC consideration has come about due to an actual infringement of acceptable size – or purely through the personal perceptions of the few activists who spoke out at the proposal.

Paper A item 4.4

It says “more appropriate methods of providing warmth and support for the participants could be investigated”.

I do not know what is meant by this and believe the statement to be misleading. It is either a red herring, as there are no alternatives. Or it implies buildings can be erected, and agreed, but perhaps smaller in size, or it is implying that allotment users are transported somewhere else, which would be difficult under the circumstances and possibly not acceptable.

The recommendation in Paper A – Item 5 is lacking details.

Despite EHC reasons for refusal, it must be made clear that

1) “in any activity or location it is appropriate to make reasonable adjustments to allow people with disabilities to access the same facilities, activities or locations as other people”

The requested shelter is sought as an exception to help meet the particular needs of people with disabilities in accessing and using the allotments – and as such it should be seen as a reasonable adjustment.

Therefore such a refusal as is before us can legitimately be overturned...

Or

That the council will support development on the Cromwell Road Allotment site, but of smaller proportions.

There are no grounds therefore to refuse such a development outright as may be the case, if a vote is taken simply on the recommendation as it stands and to do so would leave the uncomfortable thought/conclusion that may be there are other reasons not mentioned here for refusal.

Councillor Mrs H P Durbin

People with disability should enjoy the privileges we all take for granted. Being able to tend a garden and grow our food is something we should all enjoy.

Mudlarks offers people with severe disability just this opportunity.

The client group are entitled to the same resources as residents with no disability and this includes the use of allotments.

We need to bring people with disability into the mainstream to give them the same opportunities that we have in the wider community. Sited where it is at Cromwell Road local residents pass by and chat with the client group. And neighbours to the project are positively supportive, from time to time bringing the group refreshments as tokens of their respect for both the clients and the volunteers. A public footpath passes the project; people stop and chat as they walk past, sometimes with their dog. The project welcomes this.

This is a project that brings benefits both to the local community and the client group. I am assured all the current clients are Hertford residents. More are lined up to come funded by the NHS and Social Services – it is the uncertainty about resource provision which is delaying the full use of the site.

Why the need for the “shed”: we all know the variations in the weather that we get. Lately it has been freezing cold, at other times it is wet (were any of you out in the heavy shower this afternoon)? In the summer it gets hot and we get the odd torrential shower, such as that which descended on us when the allotment group working party visited the site last summer. The people who come to the project spend up to 5 hours a day there – they cannot spend that amount of time outside at this time of year – how often do we spend that amount of time outside in our gardens without a break. Yesterday it was a sunny and blustery day and I took the opportunity to work in my garden – there is no way I could have spent 4 or 5 hours outside without the occasional shelter of my house. People whether able bodied or disabled need respite from the icy blast or heatwave. Have any of you enjoyed the pleasure of beach hut when staying by the sea? This is what the temporary facility requested will feel like to the users. It has been suggested that they could use facilities on Ware Rd. To my mind this is just not feasible. They spend a lot of time in indoor facilities and the whole idea of this project is to give them a wholly different experience – the great outdoors. Something we, in this room, take for granted. Toilets need to be nearby – no time for them to race up to Ware Road.

When working an allotment that doesn't have a shed the first thing you do, when deciding whether to go and work on it, is check the weather forecast. If wet weather is on its way we find something else to do. For this group their

timetable is such that if they miss a particular day they cannot then go at another time in that week because the resources needed to assist such as volunteers and transport are not available. Disappointment is the result.

It has been suggested that the project could move to Crawley's Field. This gives 2 problems.

The land there is liable to flooding – Minutes of the Community Services Committee Nov 08 record it is unsuitable for allotments for this reason. Why should this group, which has more complex needs than others, have to solve more complex problems such as how to garden on a flood plain? And how will a hut survive flooding even in the unlikely event that the Environment Agency grants permission for one?

Such an idea shuts the client group out of sight of the wider community – is this so we can forget about them? The only way to overcome prejudice is for people to mix and recognise the each other's needs. It is recognised that when people start talking and sharing together they find the common strands and fear of the unknown is overcome. For make no mistake it is fear of the unknown that this problem centres on. I would remind you of the currently much quoted American President Roosevelt who said "we have nothing to fear but fear itself".

Planning

I asked for the Officers' Report to the Planning Committee at EHC to be circulated so that you can see for yourselves that officers strongly recommended this building as appropriate in the Green Belt. Policy GBC1 allows the buildings in the Green Belt for agricultural use (Clause A). For the purposes of this clause agriculture includes horticulture and allotments are a horticultural use. The minutes of the meeting make clear that some of the reasons cited for refusal were not planning considerations. These reasons should not have been used in the debate.

This building will not be against Green Belt policy.

The building proposed without the "lean to" is roughly the equivalent of the container shed at North Road. Why should this be treated any differently to that one?

You are asked tonight not to make a decision based on planning as the planning process has still to run its course. The decision should be based on the needs of one particular section of the community of Hertford and one that will benefit all its residents because it develops community cohesion.

Vic Hobson – Mudlarks

I stand before you this evening because I am able to do so. And I talk to you this evening because I am able to do so. Like yourselves, I am incredibly fortunate.

Some of Hertford's residents are not so lucky, and so are unable to walk or be transported here this evening, and do not have the voice to speak out in defence of themselves.

Through no fault other than their own birth, many people have to battle through life with disabilities. Special school places around Hertford are limited but just about manage. College places are available for the most able, but are limited and dependent on funding.

And then there is the abyss.

Imagine you have a child with a disability. They go through school learning life skills and possibly get a college place. Then what? Do you want to put your 21 year old child into an isolated day centre for the rest of their life?

For people over the age of 21 with a disability in Hertford there is very little to do. There is one day centre and Mudlarks. That is it. That is the sole provision in this town.

Day centres try to provide a stimulating environment, but by their very nature they are isolating and isolated. The Ware Road day centre has no outdoor provision and many of the clients have requested horticultural activities. So we are in fact linking and will have a day when clients from the day centre come to Mudlarks.

It is national and local government policy to integrate people and to provide therapy, training, a social life and work experience for people of all abilities within the community.

And the key players in this process are the voluntary sector. Organisations such as Mudlarks.

It is, I believe, our duty to care for everyone in our community.

We are free to do as we please. We can go anywhere, talk to anyone at any time, potter in our gardens, completely without thought.

But for many people this is not the case. They need our support to do the simplest of tasks, and their greater desires require even more of our help.

At the moment we have a few people at Mudlarks because at the moment we cannot provide wheelchair access, shelter or adequate toileting. Once we have a basic infrastructure in place we can truly cater for the disabled people in Hertford.

We are a community, and Mudlarks is a micro community within it.

We have an amazing group of volunteers and supporters – artists, social workers, horticulturalists, a psychotherapist, teachers, carers, builders, and accountant and a tremendous architect! These people would not have been brought together had it not been for Mudlarks.

Local people and builders have given us money, Simon Balle made us their charity this year, increasing disability awareness in the school, a whole concert evening at Castle Hall raised money and awareness for us, and a local phone company has sent a team to the site to clear allotments. Fantastic community links.

Also among our volunteers are people whose disabilities are not so obvious. People who cannot work as they have children with disabilities, who have now

worked for us and found a new lease of life. Our neighbour lost his wife, and then his job due to the needs of his young children. We are often the only people he speaks to in the day. When I told him that there was a chance that we could not be on the site much longer, his face dropped. "You can't go", he said. "We like having you here".

This is not a planning issue. We submitted an application based on plans that you had seen and approved, and which were then approved by the planning officers.

So on behalf of the disabled, the troubled, the stressed, the elderly, the lonely, the happy, the dynamic, the young, the valuable and the resourceful people of Hertford, I ask you to not lose sight of the benefits of this project and to seriously consider what this town should provide.

Mr Andrew Goodman

There are two issues that the Town Council need to consider tonight:

- 1) Are you a body that supports local community development and partnership working?
- 2) Your responsibility to uphold the Disability Discrimination Act (DDA), and specifically your disability equality duty.

I am involved in the Mudlarks' project because it stands out as a really good example of how local businesses and people are working with a charity to promote social enterprise and wellbeing. Professionals have donated time, local business has donated money and this support is ongoing with help already offered to construct the buildings as soon as permission is granted. In rear terms, for example, this represents 95 hours of architectural work to date (the equivalent of £5,300 in fees), and a £1,700 donation that covered land survey and legal fees.

If the Town Council does not continue to support this initiative, this would hold up its purpose as a community representative body to ridicule. Not to support a project like Mudlarks flies in the face of local and national initiatives to promote and encourage corporate social responsibility, cross sector working and community integration.

Turning to the second issue: At the Development Control Committee on 17 December statements were made, subsequently reported in the Mercury on 24 December, that implied that demand for allotments by disabled people were not as important as demand from others. The Town Council needs to consider its duty and liability under the DDA 2005 and how it should address this apparent prejudice in a local representative body.

One of the duties of every public body, including a Town Council, is to take into account the impact on disabled people when developing its services or policies. It includes the duty to take steps to meet disabled people's needs, even if this requires more favourable treatment. You are legally entitled to give disabled people favourable treatment.

It is not an option to do nothing: an injustice has taken place. You must act to:

- Reaffirm as a Council your support for Mudlarks.

- Reject any statements about people with learning disabilities that suggest Hertford is not a good place for disabled people. You should speak out for those who cannot speak.
- Clearly state your support for your Community Services Committee's decisions to grant Mudlarks a lease to work these allotments that have lain fallow for many years.
- Reaffirm that these vulnerable people need a small, temporary and low impact building for their welfare to be able to benefit from working outdoors.
- Support your fellow Cllr. Newton's work as County Council Cabinet member for Adult Care and Health and the people in her department's care who benefit from placement with Mudlarks.
- Recognise the level of disappointment and anger this decision has generated.
- Strive to avoid the necessity for a planning appeal that will delay the project and cost around £2,500, money and time that could be spent much more productively.

The decision in particular of the two Hertford members on the Development Control Committee to oppose and vote against the planning officers' recommendation for approval means that for the first time in my life I am ashamed of the town in which I was born and in which I have spent the majority of my life. I trust that members of this Council will demonstrate that they are worthy of their elected positions and help restore my faith in this town. Thank you.

Mr Harvey Fairbrass

I am opposing this proposal on my own behalf, as one of the people most affected by it, but there are of course, a number of other objectors.

The basic idea is a good one, but this is the wrong site.

The site is in the Green Belt, and it is a Statutory Allotment.

The largest of the three buildings proposed, is described as a garden room in the application. A garden room is not an appropriate building on an allotment, nor is it agricultural in its use.

I have attended two public meetings where the applicants have indicated that the building will be used for training and for making artefacts, such as bird boxes. I found the same information on their website. Neither use is agricultural, or appropriate on an allotment, or appropriate in the Green Belt.

The use whether for training, making bird boxes or as a garden room is contrary to Green Belt policy as set out at national and local levels.

The buildings are also contrary to Green Belt policy at national and local levels. Those policies of course indicate that development should maintain the openness of the Green Belt, and not injure its visual amenities.

Not only is this site in the Green Belt, but it is a very open, very conspicuous part of the Green Belt. It is open to views from Cromwell Road, from the vehicular access serving 257 and onwards in Ware Road, and from the de facto public footpath which crosses the site, as well as from numerous properties.

I am sure that it is the case that on any other allotment site in the town, a location could be found that would only be visible to allotment users, and not to the many hundreds of footpath users who cross the site to access the Meads beyond. Introducing such large buildings to an allotment in this location is unnecessary, inappropriate, and contrary to Green Belt and Environment policies.

Because of the de facto footpath crossing the site, it cannot be made secure. Development is supposed to be sited and designed to ensure that it discourages crime. This development sadly will encourage it. If the building was not vulnerable to crime it would not be necessary to have shutters on the windows. It will, as the applicants realise, attract vandalism. So will the two small buildings with their too-readily-accessible solar panels on their roofs – a direct invitation to sticks and stones! From there the vandals will turn their attention to the sheds and garages in our back gardens.

The idea is good, but it has been foisted on the wrong site. The idea deserves to have the right site, and this is palpably not it. The District Council have refused planning permission. I urge you to please reject the proposal.

232. COMMUNITY SERVICES - MUDLARKS

Councillors Mrs H Durbin and Mrs S M P Newton left the room.

The Town Clerk introduced the item by providing Members with some background information on the Mudlarks project and advising Members that the group had recently submitted a planning application for a large shed, two small sheds and a small car park on the Cromwell Rd allotment site. The Town Clerk explained that planning permission had refused by East Herts. Council and Mudlarks were considering an appeal to the Planning Inspectorate. Before reaching a final decision about doing so, they were now seeking clarification of the Town Council's position, as land owners, on the proposals.

Cllr Miss Sartin stated that she had given this matter very considerable thought in recent weeks, visiting the site, studying the various reports and plans carefully, and had asked many questions. She felt that the proposals, in their entirety, were too large for a green belt area and Councillors had to consider the impact on the other users of the land such as walkers and local residents. She stressed the Council's on going support for the project but felt that she could not support the proposals in their current form.

Cllr Wilson spoke in favour of the proposed buildings but felt that he would have to abstain from any voting.

Cllr Cook stated that he felt he could not support the proposal for the building, stating that many disabled people already use the allotments without the requirement for such large structures. He agreed with Cllr Miss Sartin's statement that Councillors are elected to serve the whole of the electorate, including the other users of the site. He moved that permission be refused. This was not seconded.

Cllr Dr Radford moved the following:

Hertford Town Council reaffirms its support for the concept of the project and is committed to working with Mudlarks, but refuses permission for the proposed development in its current form on the grounds that

- 1) It is contrary to policy GBC1 of the East Herts. Local Plan 2nd review April 2007
- 2) It is contrary to Hertford Town Councils existing rules on sizes of shed
- 3) There is a possibility of vandalism due to the proposed area of glass.

This was seconded by Cllr Nik Wilson.

It was **RESOLVED** that:

Hertford Town Council reaffirms its support for the concept of the project and is committed to working with Mudlarks, but refuses permission for the proposed development in its current form on the grounds that

- 1) It is contrary to policy GBC1 of the East Herts. Local Plan 2nd review April 2007
- 2) It is contrary to Hertford Town Councils existing rules on sizes of shed
- 3) There is a possibility of vandalism due to the proposed area of glass.

233. 2009 PRECEPT

The Town Clerk reminded Members that the Precept for 2009/10 was agreed at the previous meeting and sought Council's permission for the Chairman to sign the official demand to be submitted to East Herts. Council forthwith.

It was **RESOLVED** that:

The Mayor (Chairman of the Council), the Leader and Deputy Leader of the Council sign the 2009/10 Precept Demand.