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Chairman and Members of the
Council

Your contact: Martin Ibrahim
Ext: 2173
Date: 12 December
2016

cc. All other recipients of the Council
agenda

Dear Councillor

COUNCIL - 14 DECEMBER 2016: SUPPLEMENTARY AGENDA NO.1

Please find attached the following reports which were marked “to follow” on the agenda for the above meeting. Members are asked to note that the Chairman has agreed to accept an urgent item of business onto the agenda relating to “NNDR1 – Delegation to Officers”. This item will be dealt with as item 15 on the agenda.

5. Public Questions (Pages 3 - 4)

To receive any public questions.

6. Members' questions (Pages 5 - 6)

To receive any Members' questions.

8. Executive Report - 6 December 2016 (Pages 7 - 16)

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

(A) Hertford Conservation Area Appraisal and Management Plan

Note – item deferred.

(B) Braughing Conservation Area Appraisal and Management Plan

Minute 465 refers

(C) External Auditor Appointment

Minute 466 refers

(D) Risk Management Strategy - Update

Minute 467 refers

9. Development Management Committee

(B) Minutes - 7 December 2016 (Pages 17 - 48)

12. Corporate Business Scrutiny Committee: Minutes - 29 November 2016
(Pages 49 - 58)

15. NNDR1 - Delegation to Officers (Pages 59 - 64)

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully

Martin Ibrahim
Democratic Services Team Leader
Democratic Services
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MEETING : COUNCIL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 14 DECEMBER 2016
TIME : 7.00 PM

COUNCIL – 14 DECEMBER 2016

PUBLIC QUESTION

Question 1

Mrs Mione Goldspink, Bishop's Stortford, to ask the Leader:

What action is East Herts Council planning to take in order to reduce the terrible level of air pollution at Hockerill cross roads in Bishop's Stortford?

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COUNCIL – 14 DECEMBER 2016

MEMBERS' QUESTIONS

Question 1

Councillor R Henson to ask the Executive Member for Economic Development:

Many of my residents in Sele have expressed concern about the impact on local street parking, following the closure of the Bridge House car park. This will affect residents in other parts of Hertford too. Would the Executive Member set out the measures being considered to help ensure that the impact on residents is as small as possible, and does he agree with me that Network Rail should play its part and work with the Council to find solutions to this challenge?

Question 2

Councillor P Ruffles to ask the Chairman of the Environment Scrutiny Committee:

I would be grateful if Councillor John Wyllie, as Chairman of Environment Scrutiny and of the relevant Task and Finish Group, would provide information about his Task and Finish Group looking into sustainable transport and give an update about progress so far? We live in a District with very high figures for car ownership and I wonder what alternatives are being considered? How can members of the public become involved to share their knowledge and expertise?

Question 3

Councillor B Deering to ask the Executive Member for Economic Development:

There is acute pressure in relation to commuter parking at both Hertford North and Hertford East stations. Residential parking zones can have the unintended consequence of relocating parking pressures to other areas to the detriment of those local residents, or even reducing the total available

car parking capacity, which can give rise to traffic management and safety issues. For example, commuters from Hertford East point out that many spaces reserved for residents in the nearby RPZ are empty during the day but still unavailable for others to use. This forces commuter parking into other streets and areas of the town. Elsewhere, there are schemes which permit limited stranger parking in residential streets in RPZs. Will the Executive Member responsible for parking please liaise with the Officers concerned to bring forward proposals that would enable more parking for commuters thereby better safeguarding residents' parking requirements?

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 6 DECEMBER 2016, AT 7.00 PM

PRESENT: Councillor L Haysey (Chairman/Leader)
Councillors E Buckmaster, A Jackson,
G Jones, G McAndrew, S Rutland-Barsby
and G Williamson.

ALSO PRESENT:

Councillors S Bull, M Casey, M Freeman,
J Jones, M McMullen, M Pope and P Ruffles.

OFFICERS IN ATTENDANCE:

Martin Ibrahim	- Democratic Services Team Leader
Jess Khanom	- Head of Operations
Andrew Pulham	- Parking Manager
Helen Standen	- Director
Kevin Steptoe	- Head of Planning and Building Control Services
Adele Taylor	- Director
Liz Watts	- Chief Executive

465 **BRAUGHING CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

The Executive Member for Development Management and Council Support submitted a report on the Braughing Conservation Area Appraisal following public consultation. She detailed the outcome of the public consultation in the report now submitted.

The Appraisal identified the special character of the Conservation Area together with the elements that should

be retained or enhanced and those which detracted from the identified character. Once adopted by the Council, the Appraisal would become a 'material consideration' in the process of determining planning applications. It would also link into the development of neighbourhood planning.

The Executive Member advised that the local ward Member had endorsed the report and the Parish Council's questions had been addressed.

The Executive supported the proposals as now detailed.

RECOMMENDED – that (A) the responses to the public consultation be noted and the Officer responses and proposed changes to the Braughing Conservation Area Character Appraisal and Management Proposals 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 Braughing Conservation Area Character Appraisal and Management Proposals be adopted.

466 **EXTERNAL AUDITOR APPOINTMENT**

The Executive Member for Finance and Support Services submitted a report setting out the options available for appointing external auditors from 2018/19 and the process for achieving a successful procurement of external audit services. The Local Audit & Accountability Act 2014 had abolished the Audit Commission, and required local authorities to appoint their own external auditors for the audit of the 2017/18 accounts by 31 December 2018.

The Executive Member outlined the four options for local authorities to appoint external auditors:

- establishing their own auditor panel (which may be an existing committee or sub-committee of the authority);
- jointly establishing an auditor panel with other authorities;
- using the services of an auditor panel established by another authority; or
- delegating appointment to a sector led body.

He detailed these options and suggested that the consensus amongst most local authorities was to pursue the fourth option and to delegate appointment to a sector led body. In July 2016 Public Sector Audit Appointments (PSAA) were specified by the Secretary of State as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015.

The Audit and Governance Committee, at its meeting held on 23 November 2016, had considered the options and had supported this option also.

The Executive supported the recommendation now detailed.

RECOMMENDED – that East Herts Council “opts in” to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of External Auditors.

467 **RISK MANAGEMENT STRATEGY - UPDATE**

The Executive Member for Finance and Support Services submitted a report reviewing and updating the Risk Management Strategy.

The Executive noted that the Risk Management Strategy was reviewed annually. On 16 March 2016, the updated Strategy had been considered by the Audit Committee, who had supported the amendments in principle, but had requested that changes to the senior management structure be reflected before submission to the Executive.

The Audit and Governance Committee, at its meeting held on 23 November 2016, had considered and supported the revised Strategy as now detailed.

The Executive supported the revised Strategy as now detailed.

RECOMMENDED – that (A) the comments of Audit Committee be received; and

(B) the updated Risk Management Strategy, as now submitted, be approved.

468 MINUTES

RESOLVED – that the Minutes of the Executive meeting held on 25 October 2016 be approved as a correct record and signed by the Leader.

469 GOVIA THAMESLINK RAILWAY (GTR) 2018 TIMETABLE CONSULTATION , SEPTEMBER 2016

The Executive Member for Economic Development submitted a report detailing the public consultation by Govia Thameslink Railway (GTR) on its proposed 2018 timetable and seeking approval for the Council's response. The consultation covered the Great Northern (including Metro), Gatwick Express, Southern and Thameslink lines, and would come into force following completion of the Thameslink Programme.

The Executive Member highlighted the key issues affecting East Herts, namely that, due to the provision of other services

on the East Coast Main Line coupled with the postponement of delivery of a fifth platform at Stevenage to provide a turn-back facility for the Hertford Loop service, from May 2018 there would be a cessation of rail services between Watton-at-Stone and Stevenage during all peak and most off-peak times. He emphasised that this was being challenged robustly in the proposed response.

Various Members commented on this aspect of the new timetable being unacceptable to East Herts residents.

The Executive Member referred to the Council's proposed response to this and other proposals in Essential Reference Paper 'B' of the report submitted.

The Executive approved the recommendation now detailed.

RESOLVED - that Govia Thameslink Railway be informed that, in respect of its 2018 Timetable Consultation, East Herts Council submits comments at Essential Reference Paper 'B' to the report submitted as its response in respect of the questions within the consultation and other specific matters which it wishes to raise.

470 HCC TRANSPORT VISION 2050 CONSULTATION

The Executive Member for Economic Development submitted a report detailing the public consultation by Hertfordshire County Council (HCC) on its draft Transport Vision 2050 and sought approval for the Council's response to it. He highlighted the range of issues relevant to East Herts and detailed the proposed response at Essential Reference Paper 'B' of the report submitted.

In particular, he noted the lack of information on connections beyond the county boundary, for example at Stansted and Luton airports. As a whole, the Vision seemed focussed on urban areas and did not address rural concerns. He also referred to the principle of a bypass around Hertford, although there was no information on a route or the impact on air

quality issues.

The Executive approved the recommendation now detailed.

RESOLVED - that Hertfordshire County Council be informed that, in respect of its Transport Vision 2050 consultation, East Herts Council:

(A) supports the principle of developing the Vision as a rationale to underpin emerging Local Transport Plan 4; and

(B) submits comments at Essential Reference Paper 'B' to the report submitted as its response in respect of the questions within the consultation and other specific matters which it wishes to raise.

471 CAR PARK FEES AND CHARGES 2017/18

The Executive Member for Economic Development submitted a report seeking approval for proposed increases to the car parking income budget to be effective from April 2017.

The Executive Member advised that car park charges in East Herts had remained the same since 2010/11 and in some cases had been reduced. Since then, the Council had reduced its short stay tariffs in September 2014 as part of a two year trial, resulting in the erosion, in real terms, of the value of the Council's car park income by nearly 12%, since 2010/11.

The Executive Member further advised that new "pay and display" machines had been installed offering improved functionality, including the facility to pay by credit/debit card and the option to pay on exit. The Executive noted the increased operating and licensing costs.

The Executive Member also referred to alternate options for tariff changes at Essential Reference Paper 'C' of the report submitted and small changes in some car parks at Essential Reference Paper 'E' of the report submitted.

The Corporate Business Scrutiny Committee, at its meeting held on 29 November 2016, had considered the proposals and had supported the proposed increases. The Committee had expressed a preference for the tariff changes set out in the option detailed at Essential Reference Paper 'C2'. Although some Members had supported the idea that there should be no increase in charges until the impact of the new machines had been assessed and a Task and Finish Group had been established to review the wider issue of car parking and Sunday charging, this had not been supported by the Committee.

Councillors S Bull and J Jones both commented on the impact of the proposed changes on Buntingford and the reduction in the free parking period. They argued that Buntingford should be treated as a special case, given it was the only town in East Herts without a train station.

The Executive Member responded by suggesting that Buntingford was being treated as a special case, as the free parking period would still be an hour longer than other towns in the District. He reminded Members of the need to meet the Medium Term Financial Plan and the equity in asking all to contribute.

The Executive supported the proposals as now detailed.

RESOLVED - that (A) the comments of Corporate Business Scrutiny Committee be received;

(B) the car parking income budget be increased by 7.5% from April 2017;

(C) the option for tariff changes as set out in Essential Reference Paper 'C2' of the report submitted, be approved;

(D) changes to a small number of the Council's car parks as detailed at Essential Reference Paper 'E' of

the report submitted, be approved;

(E) the advertisement of a Traffic Regulation Order to give legal effect to these changes be authorised; and

(F) the resolution by Officers of all Traffic Regulation Order objections received using existing delegated powers, be confirmed.

472 HERTFORD CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

The Executive Member for Development Management and Council Support submitted a report on the Hertford Conservation Area Appraisal following public consultation. She detailed the outcome of the public consultation in the report now submitted.

The Appraisal identified the special character of the Conservation Area together with the elements that should be retained or enhanced and those which detracted from the identified character. Once adopted by the Council, the Appraisal would become a 'material consideration' in the process of determining planning applications. It would also link into the development of neighbourhood planning.

Councillor P Ruffles commended the thoroughness of the work undertaken by the Conservation Officer but suggested that further consideration be given to the proposed exclusion of some properties on Tamworth Road. He believed that residents were entitled to a better understanding of the reasons for treating apparently similar properties in a different manner. The Executive Member accepted this request for the matter to be deferred to the next meeting.

The Executive agreed to defer the report to allow for the boundary line at Tamworth Road to be reconsidered.

RESOLVED – that the report be deferred to the next meeting for the reasons now detailed.

473 QUARTERLY CORPORATE HEALTHCHECK, QUARTER 2
SEPTEMBER 2016

The Executive Member for Finance and Support Services submitted a report on finance, performance and strategic risk monitoring for 2016/17 as at September 2016.

The Executive approved the recommendations now detailed.

RESOLVED - that (A) the revenue budget forecast overspend of £177k, as detailed at paragraph 2.1 of the report submitted, be noted;

(B) the capital budget forecast underspend of £1.576m, as detailed at paragraph 6.1 of the report submitted, be noted;

(C) the reported performance for the period August 2016 to October 2016, be noted; and

(D) the risk management controls detailed at paragraphs 9.1 to 9.5 of the report be submitted, be approved.

The meeting closed at 7.50 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 7 DECEMBER 2016, 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, P Ruffles, R Standley
and K Warnell.

ALSO PRESENT:

Councillors P Ballam, P Boylan, S Bull,
S Cousins, P Moore and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Victoria Clothier	- Legal Services Manager
Paul Dean	- Principal Planning Enforcement Officer
Tim Hagyard	- Development Team Manager (West)
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control

474 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Victoria Clothier, Legal Services Manager, to her first meeting providing legal support to the Committee.

475 DECLARATIONS OF INTEREST

Councillor M Casey declared a disclosable pecuniary interest in application S/16/0276/PREAPP, in that he was a shareholder in National Grid Plc. He left the room whilst this matter was considered.

Councillor R Standley declared that she would leave the room whilst application 3/16/2087/VAR was considered on the grounds that she was a Member of the Network Housing Group Panel. She explained that whilst she did not consider that she had a disclosable pecuniary interest, she would not participate in the debate to avoid any perception of bias.

476 MINUTES – 9 NOVEMBER 2016

RESOLVED – that the Minutes of the meeting held on 9 November 2016 be confirmed as a correct record and signed by the Chairman.

477 3/16/2072/FUL – DEMOLITION OF OFFICES, CHANGE OF USE OF LAND TO CREATE CAR PARK WITH ASSOCIATED LANDSCAPING AT THE CAUSEWAY, NO ONE BUILDING, BISHOP'S STORTFORD, CM23 2ER FOR EAST HERTS COUNCIL

The Head of Planning and Building Control recommended that in respect of application 3/16/2072/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and commented on the unlikelihood of future occupiers being found for the building. Members were reminded that the site was part of a wider area that was the subject of a planning framework consultation.

The Head stated that the proposed change of use would provide car parking for the existing users of Charringtons House as well as additional public parking. Officers were

satisfied that any harm caused as a result of the proposals was outweighed by the benefits. Officers felt that the proposed development was acceptable subject to conditions regarding the management of the car park.

Councillor K Warnell commented on the feasibility of an archaeological survey if the foundations of the building remained in place. He also commented on the mitigation of dust resulting from the proposed demolition work. The Head stated that Officers had attached a condition regarding archaeological works and issue of dust was covered by Environmental Health legislation but a condition could be added requiring that details of demolition and dust mitigation be submitted to and agreed by Officers.

Councillor B Deering referred to the issue of tree planting and landscaping and queried the availability of 100 spaces on Sundays compared to half that number on Saturdays. The Head advised that the Charringtons House tenants required more Saturday spaces hence the reduced number of public spaces compared to the higher level of Sunday provision.

Members were advised that due to the temporary nature of the proposed car park, a condition for additional tree planting was unnecessary as it took time for trees to become established. Officers reminded Members that the Authority retained a degree of control over the site given that it was the applicant.

Councillor B Deering proposed and Councillor K Warnell seconded, a motion for additional conditions regarding additional planting and the mitigation of dust resulting from the proposed demolition of the offices. After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application

3/16/2072/FUL, planning permission be granted subject to the following amended conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Approved Plans (2E10)
4. Materials arising from demolition (2E32)
5. Conservation Area (clearance of site) (8L13)
6. Hard Surfacing (3V21)
7. Tree/hedge retention and protection (4P05)
8. Prior to the first use of the development hereby approved, the reconfigured vehicular access to the site shall be constructed in accordance with details shown on drawing no. G21852/110 Rev A.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

9. Prior to the first use of the development hereby approved, all on site vehicular and parking areas shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: So as to ensure satisfactory parking of vehicles and to minimise danger, obstruction and inconvenience to users of the highway and the site.

10. Wheel washing facilities (3V25)
11. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan which shall include details relating to the phasing of the development; methods for accessing the site including construction vehicle number and routing and associated parking areas and storage of materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

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

12. Prior to the first use of the development hereby approved, a car park management plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the operation of the car park shall accord with the approved details.

Reason: In the interests of highway safety and convenience.

13. Landscape Design Proposals (4P12) delete a, f, g and h
14. Landscape works implementation (4P13)
15. Prior to the commencement of the development hereby approved, details of the method of demolition of the building including measures for the suppression of dust shall be submitted to and agreed in writing by the LPA. Thereafter the development shall accord with the approved details.

Reason: To protect the amenity of occupiers of neighbouring buildings and the general public in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

Informatives

1. Flood defence consent transferred into the Environmental Permitting Regulations on 6 April 2016. You may need an environmental permit for flood risk activities if you want to do work:

- in, under, over or near a main river (including where the river is in a culvert);
- on or near a flood defence on a main river;
- in the flood plain of a main river;
- on or near a sea defence.

You're breaking the law if you carry out these activities without a permit if you should have one. For further details of environmental permits for flood risk activities please see <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

2. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300

1234047.

3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

478 3/16/1251/REM – APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR 3/13/0886/0P FOR THE LAYOUT OF THE FIRST PHASE OF THE INTERNAL ROAD NETWORK, THE LANDSCAPE BUFFER ADJACENT TO THE A 120, HAZEL END ROAD AND FARNHAM ROAD AND THE LAYOUT AND DETAILS OF LANDSCAPING FOR THE NEW RIVERSIDE PARK ADJACENT TO HAZEL END ROAD, INCLUDING INTERNAL FOOTPATHS, PLANTING PLAN, VISITORS CAR PARK, ATTENUATION PONDS AND ACCESS ROAD AT LAND BETWEEN FARNHAM ROAD AND HAZEL END ROAD, BISHOP'S STORTFORD, CM23 1JJ FOR COUNTRYSIDE PROPERTIES

The Head of Planning and Building Control recommended that in respect of application 3/16/1251/REM, reserved matters planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised that outline permission had been approved and this reserved matters application formed part of the wider Bishop's Stortford North development proposals. The scheme was for a revised access and layout of the spine road through the site, landscaping and footways adjacent to the spine road, landscaping within the proposed riverside park open space and landscaping around the circumference of the site.

The Head detailed a number of issues for Members to consider including policies of the East Herts Local Plan Second Review April 2007, the National Planning Policy Framework and Neighbourhood Plan policies. He referred to the principles of garden cities and referred Members to the additional representations summary. He advised Members that the legal agreement and first condition that were detailed in the report were not required in this case.

Councillor P Ruffles referred to the comments of the Ramblers Society regarding the plans displaying the public rights of way. Councillor K Warnell expressed concerns that future residents faced an additional

financial burden if Hertfordshire Highways did not take responsibility for new roads proposed as part of this application. He also commented on noise related matters and stressed that construction traffic should enter and leave the site from outside of the town centre of Bishop's Stortford.

The Head stated that arrangements would be made for a temporary access to this site directly from the A120 and the details of this would be submitted to and agreed with Hertfordshire Highways. He also referred to Hazel End Road and the proposed Riverside Park and steps that would be taken to avoid a burden being placed upon Rye Street.

Members were advised that public footpaths to be provided on the riverside park would link with the existing network. The provision of other elements, such as the open space elements of the proposed development were covered by the existing legal agreement. Members were reminded that Hertfordshire Highways were seeking to limit its future liabilities with regard to the adoption of roads. With regard to management costs of roads, the highway authority preferred not to adopt roads with roadside verges with trees between the carriageway and footway. A management company approach was not an uncommon arrangement for the maintenance costs of roads not managed by highways.

The Legal Services Manager reminded the Committee of what may constitute a material consideration, and gave an example in that the negative effect on the value of a property would not constitute one. The Head confirmed that the longer term management safeguards were detailed in the report and the additional representations summary.

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 3/16/1251/REM, reserved matters planning permission be granted subject to the conditions detailed in the report.

479 3/16/1897/REM – RESERVED MATTERS RELATING TO PHASE A HOUSING DEVELOPMENT FOR 69 HOUSES AND 22 AFFORDABLE UNITS TO INCLUDE ACCESS, LANDSCAPING AND PARKING AT LAND BETWEEN FARNHAM ROAD AND HAZEL END ROAD, BISHOP'S STORTFORD, CM23 1JJ FOR COUNTRYSIDE PROPERTIES

The Head of Planning and Building Control recommended that in respect of application 3/16/1897/REM, reserved matters planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised that this first phase development was on the same site detailed at Minute 478. He detailed the roundabout access off Farnham Road and stated that the application was for 91 dwellings of which 22 or 24.2% would be affordable.

Members were reminded that based upon the legal agreement requirement of 25% affordable housing, this site would provide marginally under this percentage. Officers were comfortable however, that the other phases of development would ensure that the overall affordable housing provision would be 25%.

The Head confirmed that this scheme met the aspiration of delivering a high quality development which had been established at the outline stage. Councillor K Warnell made a number of points in support of the application. He was concerned however, that the site would be isolated from the Bishop's Stortford town centre until ASR sites 1-4 were completed.

The Head confirmed to Councillor J Goodeve that the site managed itself in terms of parking provision for the

affordable housing units as this part of the site had a dedicated access and associated parking area. Councillor K Warnell was assured by Officers that contributions towards public transport provision had been addressed by the outline application.

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 3/16/1897/REM, reserved matters planning permission be granted subject to the following amended conditions:

1. Approved plans (2E103)
2. Materials of construction (2E111)
3. Refuse disposal facilities (2E241)
4. Prior to first occupation of any dwelling details of the management and maintenance of the communal amenity spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure adequate provision of maintenance and management of roads, footways and amenity areas and in the interests of public safety.

5. All hard and soft landscaping shall be carried out in accordance with the approved drawings unless otherwise agreed in writing by 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 policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and national guidance in section 7 of the National Planning Policy Framework.

6. Prior to the commencement of above ground works, detailed plans of the proposed footpath links to be created between the site and adjoining areas as shown on drawing A_A_PL_100 Rev M shall be submitted to and approved in writing by the LPA and the agreed footpath links shall be made available for use prior to the first occupation of the development.

Reason: To ensure appropriate pedestrian links in accordance with policies ENV1 and TR1 of the East Herts Local Plan Second Review April 2007.

Informatives

1. Outline Permission Reference (07OP)
2. Outline Planning permission for the development of site ASR5 has been granted under Local Planning Authority ref 3/13/0886/OP dated 1 June 2016. A separate full planning permission (ref 3/16/1252/FUL) has been granted for the construction of new

and realigned road junctions to Farnham Road and Hazelend Road which differ from those permitted under the outline permission referred to above and which are required to enable the development of land at ASR5, Bishop's Stortford for residential and other purposes and the development of other land for the provision of supporting educational infrastructure. For the avoidance of doubt, regardless of the implementation of the full permission referred to above in relation to access, the LPA will take any implementation of this reserved matters permission as constituting the commencement of development in relation to the outline proposals in relation to which a legal obligation and conditions apply (subject to any details set out in the legal agreement determining commencement). In those circumstances, the conditions applied to 3/13/0886/OP and the associated legal planning obligation agreement will come into force, and which the Local Planning Authority will seek to enforce in full.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012, the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

480 3/16/0452/FUL – ERECTION OF 30 DWELLINGS
COMPRISING OF 7NO. 2 BED DWELLINGS, 9NO. 3 BED
DWELLINGS AND 14 NO 4+ BED DWELLINGS WITH
ASSOCIATED ACCESS AND LANDSCAPING AT RYE
STREET/FARNHAM ROAD, BISHOP'S STORTFORD, CM23
2HE FOR FOL LIMITED

Mr Francis addressed the Committee in objection to the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/0452/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted.

The Head stated that the site was within the settlement boundary of Bishop's Stortford and was part of site ASR4 in the East Herts Local Plan Second Review April 2007. The site was not allocated as part of the Bishop's Stortford north sites in the emerging District Plan. Officers had considered the scheme against the Local Plan, District Plan policies and the policies of the Neighbourhood Plan.

The Head referred to a green margin to the front of the site and commented on improved cycle way provision with the potential for longer term linkages. He referred to highways matters and the issue of flood risk and concluded that the benefits of the proposed development outweighed any harm.

Councillor D Andrews emphasised his concerns regarding flooding. He referred to the lack of objection or conditions from the authority responsible for flood mitigation and commented on conditions regarding Sustainable Urban Drainage Solutions (SuDs) or permeable paving. He also expressed concern that the affordable housing units were to be located in one cluster which was contrary to the guidance in the Affordable Housing SPD that affordable units should be pepper-

potted on the site.

Following comments from Councillor M Casey, the Head emphasised that the County Council had been testing options for the delivery of a 3 form entry (3FE) primary school with an access off Farnham Road. Members were also advised that the preferred flood risk mitigation measures were the solutions at the softer end of the spectrum such as swale ponds.

Councillor K Warnell referred to policy HDP1 and garden city development principles. Following further queries from Councillors M Casey and the Chairman regarding school provision, the Head detailed the planned arrangements for school provision in the area of this site and the wider ASRs.

The Head referred to affordable housing and the Strategic Housing Market Assessment (SHMA) and emphasised the importance of meeting the most pressing local housing need. He also referred to the local Neighbourhood Plan definition of garden city principles and detailed the wording of policy HDP1 in that there would be access to sustainable green spaces.

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 3/16/0452/FUL, planning permission be granted subject to a legal agreement and the following amended conditions:

1. Three year time limit (1T121)
2. Approved plans (2E102)
3. Programme of archaeological work (2E021)
4. Samples of materials (2E121)

5. Landscape implementation (4P131)/ and or further landscape details as may be required
6. Construction hours and working (6N071)
7. Prior to the commencement of the development reclamation of the site shall be carried out in accordance with document reference a) Phase 1 desktop study October 2015, unless otherwise agreed in writing by the Local Planning Authority. On completion of the reclamation works, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained.

8. Prior to the commencement of any development, details of a protective fence to be erected between the part of the site to be developed and the Bourne Brook to ensure that there is no harmful impact on ecological interests during the course of development, shall be submitted to and agreed in writing by the LPA. Once agreed, the fencing shall be erected as agreed prior to the commencement of any on site operations which may impact on ecological interests and shall be retained during the duration of the implementation of the development.

Reason: In the interests of protecting wildlife habitat and corridor along Bourne Brook in accordance with section 11 of the National Planning Policy Framework.

9. Wheel washing (3V25)

10. No development shall take place until a full detailed surface water drainage scheme for the site, based on attenuation and discharge into the Bourne Brook, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- a minimum storage volume of 1185 m³ to be provided on site with 60% of this as storage volume within permeable paving and the remainder in the proposed three attenuation ponds.
- a minimum 3 stage management treatment train prior to discharge to the Bourne Brook for all surface run-off from trafficked areas.
- full detailed final drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (location, extent and depth shown on the proposed layout) and also engineering details of the design of the proposed pond and permeable pavements in line with The SuDS Manual (CIRIA C-753).
- a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout

its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

11. Prior to the commencement of the development hereby approved, a reptile survey shall be carried out within the site by a licensed ecologist. A report of the findings including a suitable mitigation strategy if required, should reptiles be found, shall be submitted to and approved in writing by the LPA. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the ecological value of the site is properly assessed and appropriate mitigation is provided in accordance with section 11 of the NPPF.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

481 3/16/1391/FUL – ERECTION OF 43 DWELLINGS INCLUDING ACCESS VIA ERMINE STREET, LANDSCAPING AND OPEN SPACE AT LAND NORTH OF PARK FARM INDUSTRIAL ESTATE, ERMINE STREET, BUNTINGFORD FOR WESTON HOMES PLC

Mr Waite addressed the Committee in objection to the application. Mr Poole spoke for the application. The Head of Planning and Building Control recommended that in respect of application 3/16/1391/FUL, planning

permission be refused for the reasons detailed in the report now submitted.

The Head advised that the site was located within the settlement boundary of Buntingford and an approval of planning permission would result in the loss of an employment site. Officers were concerned regarding the impact of the scheme on the occupiers of sites to the north and the impact of the proposed development on services and infrastructure.

Officers had recommended the application for refusal due to the loss of employment land, the density and layout of the proposals and lack of suitable linkages to the land to the west of the site. Environmental Health Officers were also concerned regarding noise and disturbance from the adjacent employment area.

Councillor J Jones expressed concerns that Buntingford needed employment sites and there were plenty of sites which were already earmarked for housing. He stressed that this site was designated as employment land in the emerging District Plan and the Neighbourhood Plan. He pointed out that the footpath to the west should link with a footpath to two schools and the associated playing fields. He concluded that the scheme was purely speculative in nature and the application was of poor quality and was poorly designed.

Councillor M Freeman emphasised that employment land was needed to avoid residents having to use cars for work, particularly in light of the infrequent bus services. He referred to the opportunist approach of the applicant with this scheme.

The Head responded in detail to a query from the Committee Chairman regarding the demand for employment land. Members were advised that this land should be retained for employment purposes during the District Plan period as the demand will increase as housing development is delivered in Buntingford.

The Head provided a definition of policies EDE1 and BUN6 in response to a query from Councillor R Brunton. 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 3/16/1391/FUL, planning permission be refused for the reasons detailed in the report.

482 3/15/0260/FUL – DEMOLITION OF THE EXISTING DWELLING AND INDUSTRIAL BUILDINGS AND ERECTION OF 12NO DWELLINGS WITH GARAGING AND LANDSCAPING AT WELL HOUSE, ACORN STREET, HUNSDON, SG12 8PF FOR ROBERT DIXON LTD

Mr Miles addressed the Committee in objection to the application. Mr Downes spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/0260/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted.

The Head explained that for all rural locations in East Herts, including its villages, the degree to which development would be fully sustainable had to be a balance given that the majority of education, employment and retail provision was located in the larger urban settlements and therefore, many residents would travel to these larger centres. Members were reminded that there was a deficit in the 5 years supply of housing land and applications for sustainable development should be approved unless the harm could be proved to be both significant and demonstrable.

Members were advised of a number of local heritage assets and Officers felt that the setting of these assets would be improved by the proposed development, or at worse, neutrally affected. The site was well contained by

a landscape boundary and the impact was not considered to be harmful and Officers were therefore supportive of the scheme.

The Head responded to comments from Councillor R Brunton regarding policies EDE1 and EDE2 as well as comments from Councillor J Jones regarding the previous brownfield use of the site. Officers were of the view that the marketing approach that had been taken was acceptable.

Following further comments from Councillors R Brunton, K Warnell and the Committee Chairman, the Head confirmed that the site was separate from Hunsdon and was outside the main body of the village. A majority of residents used cars to access schools, jobs, doctor's surgeries or for shopping trips. Members were advised that there was some roadside footpath provision between the site and Hunsdon.

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 subject to the following amended legal agreement:

- A financial contribution of £32,966 towards Hunsdon JMI School (primary education);
- A financial contribution of £716 towards youth for the New MUGA/sports provision for Ware Young Peoples Project, Mars Lane, Ware;
- A financial contribution of £2,350 towards libraries (improvements to the Children's Area at Sawbridgeworth Library);
- A financial contribution of £272.30 per dwelling towards Community healthcare costs;

- The provision of 25% affordable housing (plots 1-3);
- A financial contribution towards of £18,029 (children and young people, parks and gardens and outdoor green space) towards improvements and refurbishment of existing open and play space in Hunsdon;
- A financial contribution of £3,190 towards Hunsdon Parish Village Hall;
- Details of the management and maintenance of amenity spaces;
- Details of the refurbishment and maintenance of the grade II listed pump house located to the south of the application site.

in respect of application 3/15/0260/FUL, planning permission be granted subject to the following amended conditions:

1. Two year time limit (1T121)
2. Approved plans (2E103)
3. Materials of construction (2E111)
4. Contaminated Land survey and remediation (2E33)
5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment by JPP Consulting reference R-FRA-T7534PM-01-K dated October 2016 and the following mitigation measures detailed within the FRA:
 - 1) Providing attenuation to ensure no increase in surface water run-off volumes

- for all rainfall events up to and including the 1 in 100 year + climate change event;
- 2) Limit the surface water run-off rate to 5l/s providing a pre-development greenfield run-off rate.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent the increased risk of flooding, both on and off site.

6. No development shall take place until the final design of the drainage scheme based on the approved FRA by JPP Consulting reference R-FRA-T7534PM-01-E and 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. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The development shall include the following information:
 - Details of how the scheme shall be maintained and managed after completion;
 - Infiltration tests carried out in accordance with BRE Digest 365 in order to demonstrate the feasibility of disposing of

surface water via infiltration to ground;

- Assessment of the use of permeable paving in order to provide a water quality benefit;
- Detailed engineering drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

The development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding, both on and off site.

7. Visibility splays of 2.4 metres x 43 metres shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 0.6 metres and 2 metres above the carriageway.

Reason: To provide adequate visibility for drivers entering or leaving the site.

8. Tree/hedge retention and protection (4P05)
9. Landscape design proposals (4P121)
10. Landscape implementation (4P131)
11. Wheel washing (3V25)
12. Hours of working – plant and machinery (6N054)
13. Prior to the commencement of any works to remove trees within the site, tree/s identified as having potential to support roosting bats

shall be inspected and/or dusk emergence/dawn re-entry surveys shall be undertaken and any mitigation measures and the findings of the surveys shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of protected species in accordance with section 13 of the National Planning Policy Framework

14. Prior to the commencement of the development hereby approved, details of the method of demolition of the existing buildings on the site to include measures to be taken to avoid any harmful impact on adjacent buildings and their occupiers shall be submitted to and approved in writing by the LPA. Thereafter the development shall accord with the approved details.

Reason: To protect the special interest of adjacent building and the amenity of the occupiers of those buildings in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives

1. Highway works
2. Street naming and numbering
3. The residential curtilage of plots 8, 11 and 12 does not include the area included for surface water attenuation or the swale as shown in drawing T7534PM FRA04 G (which forms part of the approved Flood Risk Assessment).

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

483 3/16/2087/VAR – VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION
3/14/2292/FP – DEVELOPMENT OF LAND AT CHAUNCY SCHOOL TO DELIVER 47 NEW HOMES (18 HOUSES AND 29 FLATS) ASSOCIATED CAR PARKING AND NEW VEHICULAR ACCESS AT THE CHAUNCY SCHOOL, PARK ROAD, WARE, SG12 0DP FOR NETWORK NEW BUILDING LTD

The Head of Planning and Building Control recommended that in respect of application 3/16/2087/VAR, planning permission be granted subject to a Deed of Variation to the existing legal agreement, and the conditions detailed in the report now submitted.

The Head summarised the modest design amendments proposed by the application and referred to Officers' concerns regarding the provision of pitched roofing in favour of green roofs. Green roofs would be retained as originally approved. He stated that there would be no change to the footprint of the proposed development.

Councillor J Jones stated that he was unsupportive of the application due to the loss of sports facilities for housing. 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

3/16/2087/VAR, planning permission be granted subject to a Deed of Variation to the existing legal agreement, if required, and the conditions detailed in the report.

- 484 3/16/1576/VAR – VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION 3/14/1583/FP – ERECTION OF 22 HOUSES INCLUDING 13 OPEN MARKET AND 9 SHARED OWNERSHIP TOGETHER WITH A NEW ACCESS TO DANE O'COYS ROAD AT LAND ADJOINING HOGGATES END, DANE O'COYS ROAD, BISHOPS STORTFORD FOR GRANGE BUILDERS LLP

The Head of Planning and Building Control recommended that in respect of application 3/16/1576/VAR, planning permission be granted subject to a Deed of Variation to the existing legal agreement, if required, and the conditions detailed in the report now submitted.

The Head detailed the planning history and referred Members to paragraph 3.3 of the report submitted for the changes proposed by the application. Members were advised that there would be no changes to the number of bedrooms or the number of spaces.

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 3/16/1576/VAR, planning permission be granted subject to a Deed of Variation to the existing legal agreement, if required, and the conditions detailed in the report now submitted.

- 485 S/16/0276/PREAPP – REVOCATION OF HAZARDOUS SUBSTANCES CONSENT AT MARSHGATE DRIVE, HERTFORD, HERTFORDSHIRE SG13 7AQ FOR NATIONAL GRID

The Head of Planning and Building Control recommended

that in respect of application S/16/0276/PREAPP, the hazardous substances consent be revoked. The Head advised that this was a rare situation following the granting of Hazardous Substances Consent (HSC) in 1992 for the storage of natural gas.

Members were advised that the owners of the site, the National Grid, had not used the site for the storage of natural gas for many years and wished to sell it. The presence of the HSC served no purpose and might act as a barrier to new development and the revocation was therefore necessary to remove the safeguarding restrictions to enable redevelopment for sensitive purposes such as a residential use.

The Head responded to a query from Councillor D Andrews regarding possible contamination of the site. He stated that the revocation had no implications for necessary decontamination. 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 S/16/0276/PREAPP, the hazardous substances consent be revoked.

486 ESBIES ESTATE, SAWBRIDGEWORTH – UPDATE ON ENFORCEMENT ISSUES

The Head of Planning and Building Control submitted a report updating Members on the current situation relating to enforcement matters at the Esbies Estate, off Station Road, Sawbridgeworth. The report sought to obtain authorisation to pursue further action at the site where previous enforcement notices had not been complied with and/or further unauthorised development had occurred.

The Head summarised what was a long and detailed history of enforcement action, the full detail of which could be found in Essential Reference Paper 'B' of the report

submitted. A number of appeals had been submitted and subsequently dismissed by the planning inspectorate. This report sought Members' authority to secure compliance with enforcement notices and for future action regarding any further breaches of planning control.

Members were given a summary of the suggested ways forward and were referred to the report for the detailed implications of each option. The Legal Services Manager confirmed to Councillor D Andrews that the recommendation should be amended on the basis that Officers be authorised to seek rather than serve an injunction.

Following a number of initial queries from Members, the Committee was advised that a QC had informally suggested the proposed way forward and more formal advice would be obtained should Members approve the recommendation.

Members asked a number of questions regarding the financial implications and the option of prosecuting the owners of the various plots. The Legal Services Manger emphasised that prosecutions would not compel the owners to comply with existing enforcement notices or prevent further breaches.

The Head stated that there was no one combined owner of the plots of land and some plots were in common ownership. The financial implications were very difficult to quantify regarding each of the suggested ways forward. Councillor K Warnell made reference to the human rights of the individual owners of the plots on the Esbies Estate.

Members received the report and approved the recommendation now detailed.

RESOLVED – that Officers be authorised to seek an injunction under Section 187B of the Town and Country Planning Act 1990 to secure compliance with the extant enforcement notices across the

site; together with any unauthorised development that has occurred since the service of Notices in 2010, and also to prevent any further unauthorised development at the site.

At this point (9.52 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

487 ENFORCEMENT UPDATE

The Principal Planning Enforcement Officer submitted a report providing Members with an enforcement update including the up to date situation regarding enforcement statistics and cases that were currently still active but had been opened before 2015. Members noted the report and the recommendations now detailed.

RESOLVED – that (A) the enforcement statistics be noted; and

(B) the update in relation to Enforcement Cases that had been opened before 2015 and were still active, be noted.

488 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 9.57 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
CORPORATE BUSINESS SCRUTINY
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 29 NOVEMBER 2016, AT 7.00
PM

PRESENT: Councillor M Allen (Chairman)
Councillors R Brunton, M Casey, J Kaye,
D Oldridge, M Pope and J Wyllie.

ALSO PRESENT:

Councillors D Andrews, E Buckmaster,
M Freeman, L Haysey, G Jones, P Ruffles
and G Williamson.

OFFICERS IN ATTENDANCE:

Ryan Brock	- NGDP Graduate Trainee
Fiona Corcoran	- Scrutiny Officer
Jonathan Geall	- Head of Housing and Health
Philip Gregory	- Head of Strategic Finance and Property
Jess Khanom	- Head of Operations
Peter Mannings	- Democratic Services Officer
Andrew Pulham	- Parking Manager
Paul Pullin	- Economic Development Manager
Helen Standen	- Director
Adele Taylor	- Director
Ben Wood	- Head of Communications, Strategy and Policy

456 APOLOGIES

Apologies for absence were submitted on behalf of Councillors B Deering, P Phillips and M Stevenson. It was noted that Councillor D Oldridge was substituting for Councillor M Stevenson.

457 MINUTES – 11 OCTOBER 2016

RESOLVED – that the Minutes of the meeting held on 11 October 2016 be confirmed as a correct record and signed by the Chairman.

458 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that it was their responsibility to arrange substitutes for Scrutiny meetings and they should inform Democratic Services of any substitution arrangements 24 hours before the start of the meeting.

459 PRESENTATION ON DIGITAL EAST HERTS

The Director (Adele Taylor) and the National Graduate Development Programme (NGDP) Graduate Trainee gave a presentation on Digital East Herts. They provided Members with an introduction to Digital East Herts and advised the Committee what it was and was not designed to achieve.

Members were advised that Digital East Herts was not solely about the website and this programme was also focussed on customer interactions and engagement. Members were provided with the story so far and the proposed next steps. Officers responded to a number of questions and queries from Members. The Committee received the presentation.

RESOLVED – that the presentation on Digital East Herts be received.

460 BUSINESS SUPPORT AND INVESTMENT PROGRAMMES
IN EAST HERTS

The Executive Member for Economic Development submitted a report that provided an early Scrutiny opportunity for the Business Support and Investment elements of the Council's Economic Vision 2016 – 2020. The Economic Development Manager summarised a number of key points in the report and detailed the four business support/investment themes that the Authority was committed to delivering.

The Economic Development Manager and the Head of Strategic Finance and Property responded to a number of comments and queries raised by the Committee. The Deputy Leader and Executive Member for Economic Development also responded to a number of further questions from Members.

Members received the report and supported the recommendation now detailed.

RESOLVED – that the extension of the current Service Level Agreement (SLA) arrangements with Wenta for a further year to 31 March 2018 to allow further consideration of the issues detailed in paragraph 3.3 of the report submitted, be supported.

461 CAR PARK FEES AND CHARGES 2017/18

The Executive Member for Economic Development submitted a report seeking the Committee's support for an overall 7.5% increase to car park budgets from April 2017. The report also sought to ascertain the Committee's preferred approach to implementing car park tariff changes as well as the Committee's support for additional proposals affecting a small number of the Council's car parks.

The Parking Manager advised that car park charges had remained unchanged for some years and in some cases had been reduced. Members were advised that when measuring inflation via the Consumer Prices Index (CPI), the value of the Council's car parking income had been eroded in real terms by nearly 12%.

Members were advised that the Council's decision to absorb the increase in the rate of VAT in 2011 had further eroded income. Car park charges had been unchanged and in some cases had reduced over the last six years and as the costs of operating the service would increase, it was proposed to increase tariffs from 2017/18.

The Parking Manager advised that although the proposed changes would deliver savings in some areas, costs would increase in others. The Council would pay a charge every time a credit or debit card was used and it was anticipated that these charges would amount to £50,000 per annum. Also, new operating and licencing costs associated with the new machines were projected to cost a further £27,000 per annum.

Following initial comments from Councillor M Casey, the Executive Member for Economic Development stated that the proposals would not discourage town centre parking and the 7.5% increase was in line with the Council's own policies. The Director (Adele Taylor) emphasised that the extra revenue would cover the costs of other elements of the service such as the work of the Civil Enforcement Officers (CEOs).

Members were advised that the check in/check out process would reduce frequent overpaying by motorists and would assist in the avoidance of Penalty Charge Notices (PCNs). The Parking Manager explained the check in/check out process.

Following queries from Councillors J Kaye, M Pope and D Oldridge, the Parking Manager explained in more detail the rationale for the changes and the loss of blue badge

bays. He explained that the loss of the smart cards was due to the functionality of the new machines and was mitigated by increasing charges towards short stay tariffs, subject to approval. He explained the operating procedures and costs associated with the work of CEOs and summarised the main differences between the options detailed in Essential Reference Papers C(1) and C(2) of the report submitted.

Councillor J Wyllie commented on whether the Council could charge for Sunday parking on the basis that the additional income would avoid weekday tariff increases. The Parking Manager advised that Sunday charging could lose the Council money due to the need to employ CEOs on Sundays. The Executive Member for Economic Development added that Sunday charging could cause on-street parking problems as yellow lines were not currently enforced on Sundays.

Councillor J Wyllie proposed and Councillor M Pope seconded, a motion that there should be no increase in charges until the impact of the new machines had been assessed and a Task and Finish Group should be established to review the wider issue of car parking and Sunday charging.

After being put to the meeting and a vote taken, this motion was declared LOST. Members received the report and supported the recommendations now detailed.

RESOLVED – that (A) the proposal to increase car parking charges by 7.5% from April 2017 be recommended to the Executive for approval;

(B) the Executive be advised that Corporate Business Scrutiny supports the approach to tariff changes detailed in Essential Reference Paper C(2) to the report submitted; and

(C) the proposed changes to a small number of the Council's car parks be recommended to the

Executive for approval.

462 HOUSING COMPANY BUSINESS PLAN

The Executive Member for Economic Development read out a statement relevant to the report on behalf of the Ambassador and Executive Member for Shared Services.

The Head of Housing and Health and the Head of Strategic Finance and Property submitted a report that covered the establishment of a housing company, wholly owned by East Herts Council, to provide revenue income to offset diminishing government support and grants and meet the Council's objectives in terms of providing quality housing opportunities.

The report included a 30 year business plan for this first stage of the proposed company's operation drawing on advice provided by Trowers and Hamlins and PricewaterhouseCoopers (PwC). The proposal did not cover housing development and a principal aim was to generate an additional income stream for the Authority.

Members were advised of financial matters that were relevant to the proposed Housing Company. Members were also provided with a number of property and rent assumptions. Members were invited to scrutinise the business case and business plan.

Councillor M Casey stated that, he felt the assumptions in the report were optimistic and based on his reanalysis of the figures, the margins were not sufficient to justify the investment and future decision making on this issue. Councillor M Pope stated that he was in favour of the concept and endorsed Councillor M Casey's call to re-assess the business case.

The Head of Housing and Health advised that local data had been used for the figures detailed in the report. He stressed that consideration had been given to the equity, debt and loan to value ratios that would be acceptable to

the private market.

The Head of Strategic Finance and Property stated that the Housing Company would provide a cash flow that would avoid the need for savings elsewhere in the Council. Following comments from Councillors D Oldridge and J Wyllie, the Head advised that the proposal was to provide private rental housing using local authorities' 'general power of competence'. Use of this power required the activity to be conducted by a company, not directly by a council. The Director (Adele Taylor) reminded Members that the Authority was restricted in terms of where and how it could invest.

The Leader commented on the possibility of arranging training for Members to be delivered by other Authorities, covering their experience of setting up a housing company.

Following other comments from Members, the Committee was advised that the income generated from this proposal would go towards mitigating the Council's savings targets. The Head of Housing and Health reminded Members that there was a further opportunity for scrutinising the proposals at the joint meeting of Scrutiny Committees in January 2017.

Councillor J Wyllie proposed and Councillor M Pope seconded, a motion that the recommendations from Scrutiny Members on the Housing Company Business Plan be deferred to the joint meeting of Scrutiny Committees scheduled for 17 January 2017.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendations now detailed.

RESOLVED – that a decision on whether to endorse the full business case and 30 year business plan be deferred to the joint meeting of Scrutiny Committees on 17 January 2017.

463 QUARTERLY CORPORATE HEALTHCHECK – QUARTER 2
SEPTEMBER 2016

The Head of Strategic Finance and Property and the Head of Communications, Strategy and Policy submitted a report updating Members on finance and performance monitoring for East Herts Council for 2016/17 as at September 2016. Officers provided a summary of the report in relation to revenue budget forecasts, capital schemes and performance indicators.

Officers responded to a number of detailed queries from the Committee. Members received the report and supported the recommendations now detailed.

RESOLVED – that (A) the report be received;

(B) the revenue budget forecast overspend of £177k in 2016/17, as detailed in paragraph 2.1 of the report submitted, be noted;

(C) the capital forecast underspend of £1,576K, as detailed in paragraph 6.1 of the report submitted, be noted; and

(D) the reported performance for the period August to October 2016 be noted.

464 SCRUTINY WORK PROGRAMME

The Chairman invited Members to review the Committee's future work programme for 2016/17. The Scrutiny Officer advised that that the deferred decisions regarding the Housing Company Business Case would be reported to the joint meeting of Scrutiny Committees on 17 January 2017.

She invited Members to suggest topics for Scrutiny with particular reference to the April 2017 meeting as the Agenda was currently made up of a single substantive

issue. The Committee approved the 2016/17 work programme, as now amended.

RESOLVED – that the work programme, as now amended, be approved.

The meeting closed at 9.55 pm

Chairman
Date

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EAST HERTS COUNCIL

COUNCIL – 14 DECEMBER 2016

REPORT BY THE EXECUTIVE MEMBER FOR FINANCE AND
SUPPORT SERVICES

NATIONAL NON-DOMESTIC RATES RETURN - DELEGATED
AUTHORITY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To ensure an appropriate approval process is in place for the setting of the National Non-Domestic Rates Budget for 2017/18 and future years. This will enable submission of the National Non-Domestic Rates (NNDR1) return to Central Government and Hertfordshire County Council by the statutory deadline of 31st January 2017 without the need for additional Council meetings.

RECOMMENDATIONS FOR COUNCIL: That:

(A)	authority to approve and submit the annual National Non-Domestic Rates (NNDR1) return to Central Government be delegated to the Section 151 Officer in consultation with the Executive Member for Finance and Support Services for 2017/18 and future years; and
(B)	the delegation scheme in the Council Constitution be amended to reflect this authorisation and the Monitoring Officer be authorised to make the consequential textual amendments.

1.0 Background

1.1 Under the provisions of the Non-Domestic Rating (Rates Retention) Regulations 2013 the Council is required, on or before 31st January, to estimate and notify Central government and Hertfordshire County Council of the amount of its share of non-

domestic rates for the relevant year. This information is collated and submitted on a NNDR1 form.

1.2 The Business Rate Retention scheme came into effect on 1st April 2013. Under this scheme a proportion of National Non-Domestic Rates (NNDR) is retained by local Government. The NNDR1 form is a key document in the budget setting process which provides financial estimates of retained business rates and surplus/deficit position on the Collection Fund which both East Herts and Hertfordshire County Council require to complete their budget for the upcoming year.

1.3 In previous years the NNDR1 and estimates that it contains have been approved at a Council meeting in January as part of the budget setting process as set out in the Constitution.

2.0 Report

2.1 The 2017/18 NNDR1 form will contain estimates of the collectible non-domestic rates and the balance on the collection fund as at 31st March 2017. In order to produce these estimates officers use software from Capita (the Council's software provider), reports from consultants regarding value of appeals, along with local knowledge and professional judgement.

2.2 A revaluation of rateable values has been carried out by the Valuation Office and will come into effect on 1st April 2017. This impacts all hereditaments on the East Herts rating list, with both increases and decreases in valuation. The impact of this revaluation, to both local and central government will offset by a change to the multiplier (the gross value of rates payable across the country will not change).

2.3 There will however be changes, both up and down, to the rates paid by individual rate payers; these will be phased in using a series of transitional reliefs. These transitional reliefs are set based on legislation from Central Government.

2.4 In order to estimate the impact of this revaluation and subsequent entitlement to reliefs, officers will be using the end of year software release from Capita which is not expected to be received until late January 2017 due to the need to reflect legislation.

2.5 A communication received from the Department of Communities and Local Government (DCLG) indicates that the 2017/18 NNDR1

form will be sent to local authorities on the 16th December 2016, although there is a caveat that this date is subject to change. It is anticipated that, as in previous years, there will be amendments to the form before the final draft is received.

- 2.6 This potential late publication of the NNDR1 form, legislative changes and delayed software release will impact on the time available to officers to complete and submit the 2017/18 NNDR1 by 31st January 2017.
- 2.7 The proposal to delegate authority to approve the Non-Domestic rates budget and NNDR1 will ensure that statutory deadlines are met without the need for additional Council meetings. Details of retained business rates will be reported to Council as part of the budget setting process.
- 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:	Discussions have taken place with the Executive Member for Finance and Support Services, Section 151 Officer and the Monitoring Officer
Legal:	Recommendations contained within the report will ensure that the Council complies with statutory deadlines.
Financial:	There are no financial implications.
Human Resource:	There are no Human Resources implications.
Risk Management:	If the recommendations are not approved there is a risk that the Council will not meet statutory deadlines and will require an extra Council meeting to be called in January 2017.
Health and wellbeing – issues and impacts:	There are no direct Health and Wellbeing issues arising as a result of the recommendations in this report.

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