



MEETING : EXECUTIVE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 5 NOVEMBER 2013
TIME : 7.00 PM

MEMBERS OF THE EXECUTIVE

Councillor Tony Jackson	- Leader of the Council
Councillor Malcolm Alexander	- Deputy Leader and Executive Member for Community Safety and Environment
Councillor Mike Carver	- Executive Member for Strategic Planning and Transport
Councillor Linda Haysey	- Executive Member for Health, Housing and Community Support
Councillor Paul Phillips	- Executive Member for Economic Development
Councillor Suzanne Rutland-Barsby	- Executive Member for Community & Partnership Liaison
Councillor Michael Tindale	- Executive Member for Finance

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DISCLOSABLE PECUNIARY INTERESTS

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

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

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

AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes

To approve the Minutes of the meeting held on 1 October 2013 (previously circulated in the agenda for the Council meeting of 16 October 2013)

3. Leader's Announcements

4. Declarations of Interest

To receive any Member(s) declaration(s) of interest.

5. Developing an Investment Strategy for East Herts (Pages 7 - 18)

6. Hunsdon Conservation Area Appraisal and Management Plan (Pages 19 - 70)

7. Scrap Metal Dealers Act 2013 (Pages 71 - 86)

8. District Plan Executive Panel: Minutes - 3 October 2013 (Pages 87 - 96)

To receive the Minutes of the Panel meeting and to consider recommendations on the following matters:

(A) Retail and Town Centres Study Update Report (September 2013)

Minute 10 refers

(B) Strategic Housing Market Assessment Update 2012 (March 2013):
London Commuter Belt East Sub-Region

Minute 11 refers

(C) District-Wide Green Belt Review Part 1 (2013)

Minute 12 refers

(D) District Plan – Update Report

Minute 13 refers

(E) Developer/Landowner Questionnaires and ATLAS Meetings

Minute 14 refers

9. Monthly Corporate Healthcheck - September 2013

Report to follow

10. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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EAST HERTS COUNCIL

EXECUTIVE - 5 NOVEMBER 2013

REPORT BY THE EXECUTIVE MEMBER FOR FINANCE

DEVELOPING AN INVESTMENT STRATEGY FOR EAST HERTS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report recommends a set of principles for developing an Investment Strategy for East Herts that seeks to address the need to identify new and additional sources of revenue income over the medium to long term. This is in the context of reducing revenue streams from traditional sources including Central Government Grants.

<u>RECOMMENDATIONS FOR EXECUTIVE: that:</u>	
(A)	the policy principles for property investment as detailed in Section 3 of this report be approved;
(B)	the draft outline of the timetable for action be noted and that a further progress report be submitted to a future Executive meeting; and
(C)	the requirement for additional resources to support the development of this policy that will be funded from the 2013/14 planning contingency be noted.

1.0 Background to Developing an Investment Strategy

- 1.1** With central government funding for local authorities on a clear downward trend in both the short and medium term there is a growing need for East Herts to identify new and/or additional sources of revenue income. While the organisation will continue to find new efficiencies and more joined up and innovative ways of working, greater self reliance in funding will be required if many key services are to be secured.

- 1.2 EHDC does already have a number of car parks and small freehold properties that provide an income to the council. However, there has never been a policy of actively acquiring properties for investment purposes and the lack of any significant land holdings is a limiting factor.
- 1.3 The Council also receives income through locally set fees and charges for some services which are considered on an annual basis to ensure that appropriate cost recovery and/or generation of surpluses are considered, but this income generation is unlikely to increase significantly which is why new avenues need to be considered.
- 1.4 One means of contributing to that self sufficiency could be via an investment strategy utilising some of the council's capital currently held in money market accounts yielding low levels of return, to instead invest in other assets to deliver an enhanced income.
- 1.5 Local Government Finance Rules impose their own set of constraints on what the Council can, and can't do and importantly the council's policy and priorities will also shape our approach. The Council must be satisfied that 3 main criteria are considered and balanced, whatever investments it undertakes. These are liquidity, risk and yield.
- 1.6 Our investment strategy will need to be clearly articulated and understood in order to ensure that the council puts in place appropriate governance arrangements to facilitate a sound investment programme. Consensus thus far is that creating the right legal structure is potentially difficult and complex but the underlying principle of using capital to generate income is acceptable.
- 1.7 There are a number of legal structures that could be employed. These could include Joint Ventures and / or Special Purpose Vehicles. A simple "definition" of these two types of structures are as follows:
- Joint Venture: A joint venture is a contractual business undertaking between two or more parties based on a single business transaction. Individuals or companies choose to enter joint ventures in order to share strengths and minimize risks.
 - Special Purpose Vehicle: This is a legal entity created for a limited purpose. They can be used for a number of purposes

including the acquisition and/or financing of a project, or the set up of a structured investment vehicle. They are usually used because they are free from any pre-existing obligations and debts, and are separate to the parties that set them up for accountancy purposes.

1.8 Having sought early expert advice the proposition is that East Herts commits to develop a balanced portfolio which provides a spread of cash and property based investments which will optimise income in the context of balanced approach to risk. The advice that has already been sought covers initial information around potential financial and legal considerations that must be made prior to final investment decisions, but it will be necessary to take more detailed technical advice once policy decisions become clearer. This advice has formed the basis of information contained within this report.

1.9 East Herts currently has available capital sums available for investment in excess of £60m, the majority of which is currently in short- term money markets. Initial thoughts are that a portfolio should be developed so that there is a balanced portfolio across the following 3 areas:

- Continued investment in the money market
- Investment in property funds
- Investment be made available for purchase of private housing or commercial property potentially through joint venture activities with third parties

1.10 The balance of how much is invested in each of the three areas will depend on a number of factors and is likely to change over time. Consideration will need to be given to the balance between the need to maintain readily accessible funds to support the everyday activities of the Council, being able to take best advantage of higher rates of return and recognising that some forms of investment will take longer to make decisions about than others.

2.0 Risks and advantages of Property Investment

2.1 Property can provide a secure investment that delivers a reasonable return on capital. As with all asset classes there are risks including:

- Risk of 'bubbles' or unrealistic asset prices

- Depreciation or loss of value due to economic conditions

2.2 Property has specific risks including:

- Low liquidity and flexibility
- Greater exposure to economic, cultural and technological changes
- Over / under supply within local markets
- Physical / structural issues with buildings
- Void periods (no return but continued outgoings)

2.3 The advantages of property as an asset class are:

- Ownership of a tangible asset at the end of the investment (either the building or the land the building sits on upon) – the ‘reversionary interest’
- Lease arrangements provide one of the most secure legal contracts and surety of income
- The opportunity to negotiate more favourable terms in response to improvements in the market
- Returns of on average above bank interest rates

2.4 As part of a balanced investment portfolio, property will often sit alongside bonds in providing a relatively secure (and often low yielding) investment asset.

3.0 Establishing Member Priorities and Ambitions

3.1 In creating the correct structure to manage investments, there are important considerations that need to be made, particularly the form and size of investments to be made and where they are to be made too. The overriding principle has to be that the residents of East Herts are the beneficiaries of any investment programme.

3.2 An East Herts commercial investment portfolio will need to be run as a purely commercial initiative delivered free from day to day interference. Adopting a ‘commercial’ approach does not mean an unethical approach. All property can be managed in a way that is sympathetic to the local area and in accordance with national and local planning policies and guidelines.

3.3 Any imposition of restrictions on uses, users and using property to drive wider social objectives will directly impact upon the ability of the authority to maximise income from property assets. It is important therefore that the Council’s Investment Strategy and

Investment Criteria is fully aligned to Council Policies in advance of further investments taking place

3.4 The following policy principles are therefore proposed:

- An investment portfolio should be developed over time in a range of general property and investment funds. Investment can be made UK wide and will not be restricted to investments within the district only.
- For the foreseeable future the council should be seeking to maximise a secure income from its investment portfolio
- Enhanced revenue income from investments must be used to benefit the residents of East Herts, in particular to protect wherever possible, vital services being reduced
- While local investment may be undertaken with place making / regeneration outcomes, this will not override the need to generate a good level of secure return
- Investment in housing for the private rental market or other commercial property would be an acceptable outcome. This may have to be delivered via a Special Purpose Vehicle or a Joint Venture or other appropriate arrangement. The Council accepts that the most appropriate governance framework must be used, following due diligence work by officers.
- The Authority should not be limited to acquiring investments in its own right

4.0 Next Steps to Creating East Herts Property Investment Portfolio

- 4.1 This report is the first step in establishing the principles and policy for creating an investment portfolio. Further advice from experts will need to be sought to ensure that the Council has undertaken due diligence in balancing the 3 key components for investment decisions on liquidity, risk and yield.
- 4.2 Members have been asked to agree the policy principles in Section 3 of the report which will then establish the framework in which future decisions will be taken.
- 4.3 If these principles are agreed then the next steps will be as follows:

Action	Who	When
Detailed assessment of our current Property Portfolio to establish our current rate of return on our assets	Asset Management Team	November 2013
Consider current Money Market Investments and potential Property Funds	Investment Panel supported by our independent financial advisors	November 2013
Procure external advice on establishing investment strategy for purchase of investment property	Director of Finance and Support Services	December 2013
Consider financial implications of investment strategy on the Medium Term Financial Plan	Director of Finance and Support Services	To be included in budget setting process for 14/15

- 4.4 The assessment of our current Property Portfolio will provide a benchmark of our current rate of returns and assist with establishing what our potential future returns should be. This will be a more detailed breakdown than the way we currently consider our portfolio.
- 4.5 Although initial advice has been sought at a more general level, and has been used for the basis of this paper, external advice will be necessary to establish more specific technical advice around our investment strategy for the purchase of future investment property. A brief is in development to procure services from specialist advisors and develop in-house resources to be able to establish our strategy that will include support and guidance on the following issues:
- Determining what our investment criteria will be. A typical set of criteria are included as **Essential Reference Paper ‘B’** to give an idea of the likely considerations that would be made.
 - Recommendations on approach towards investment property including the type of property available for investment

- Recommendations on alternative investment vehicles and the suitability for running these at East Herts
- Measurement of performance of the portfolio and arrangements for consideration around acquisition and disposal of assets
- Understanding the different possible governance arrangements and their implications for decision making and financial impacts
- Support arrangements for managing an expanded portfolio

4.6 To be able to initiate this programme, additional resource will be required to ensure that we undertake proper due diligence work. In the initial period, this will need to be funded from the Planning Contingency budget in 2013/14. It is expected that on-going revenue costs will need to be considered as part of the overall calculation of return on investments when assessing Return on Investments.

5.0 Implications/Consultations

5.1 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'

Contribution to the Council's Corporate Priorities/ Objectives	Ensuring that the Council has sufficient resources in the medium to long terms to run its priority services covers all aspects of the Corporate Objectives.
Consultation:	None required at this stage.
Legal:	This report is establishing a framework for future decision making and during the development of the Investment Strategy, specific legal advice will need to be taken to ensure that the Council is complying with relevant financial legislation. At this stage, there are no implications from the recommendations made in this report.
Financial:	Additional financial resources may be required to initiate the development of the strategy but future funding will need to form part of the calculation of Return on Investment from our overall investment portfolio.
Human Resource:	It is not anticipated that there are any HR implications as part of this report.
Risk Management:	<p>Establishment of an investment strategy will need to consider the management of risk as one of the main criteria when making investment decisions.</p> <p>This report highlights the need for this to be considered and will be subject to further detailed assessment in future reports when the actual Investment Strategy is established.</p>

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Typical Property Investment Criteria

Officers should undertake investments in property in the context of an agreed range of criteria using a balanced scorecard approach to evaluation of each proposed investment which will include:

1. Financial benefits and considerations

- Secure medium to long-term income (ideally 10 years+)
- Good rental growth prospects (upward only or inflation linked rental income)
- Ability to add to or enhance capital value

2. Location

- Established commercial locations – e.g. Hertford, Ware, Bishops Stortford
- Only within East Herts District (providing very limited scope)?

3. Investment Type

- Good quality commercial property in traditional sectors (ground rents, car parks, retail, office and industrial)
- Low management costs – long leases, secure tenants, FRI leases; not management intensive
- Alternative sectors (residential, leisure, agricultural, medical)

4. Price and Return

- Price underpinned by vacant possession value
- Minimal or no repairing liability on the Landlord
- Minimum initial return - not less than the cash returns available to the Council for 3-month lending?
- A return over the first 5 years of ownership at least 2% greater than cash returns available from 3-month lending
- Typical yields would be between 4% and 8%

5. Security

- Pre-let to tenants of good covenant on FRI terms (particularly public sector tenants and supermarkets)
- At least 5 years term certain
- Quality buildings and locations (easily re-lettable or re-saleable) – 'institutional' quality

6. Strategic value

- Where a property (including land) is of major strategic value to the Council, some of the above criteria may be relaxed, but
- Any investment should still provide a return over the first 5 years of ownership at least 1% greater than cash returns available from 3-month lending.

7. Other criteria

- Where a property is for the benefit of the local community e.g. Place Making
- High quality design and environmental sustainability

EAST HERTS COUNCIL

EXECUTIVE - 5 NOVEMBER 2013

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING AND TRANSPORT

HUNSDON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

WARD(S) AFFECTED: Hunsdon

Purpose/Summary of Report

- To enable Members to consider the Hunsdon Conservation Area Appraisal following public consultation.

<u>RECOMMENDATIONS FOR EXECUTIVE:</u> That	
(A)	the responses to the public consultation be noted and the Officer responses and proposed changes to the Hunsdon Conservation Area Appraisal be supported;
(B)	authority be delegated to the Head of Planning and Building Control, in consultation with the Executive Member for Strategic Planning and Transport, to make any further minor and consequential changes to the Appraisal which may be necessary;
(C)	the Hunsdon Conservation Area Appraisal be supported for adoption;
<u>RECOMMENDATIONS FOR COUNCIL:</u> That:	
(A)	the responses to the public consultation be noted and the Officer responses and proposed changes to the Hunsdon Conservation Area Appraisal be agreed;
(B)	the Hunsdon Conservation Area Appraisal be adopted.

1.0 Background.

1.1 East Herts has a rich environmental heritage which includes 42 Conservation Areas. The East Herts Local Plan commits the Council to review its Conservation Areas, a requirement which is also set out in national legislation.

1.2 The review of Hunsdon's Conservation Area is the second in a series of reviews undertaken in 2012/2013. These reviews can now be presented for Members consideration. In each case a report will be presented when a public consultation exercise has been undertaken in relation to each individual settlement.

1.3 Each document identifies the special character of the respective Conservation Area together with the elements that should be retained or enhanced and those which detract from the identified character. Existing boundaries will be reviewed and, where appropriate, practical enhancement proposals will be suggested.

1.4 Once Members have considered each Appraisal, and the document has been adopted by the Council, they will become a 'material consideration' in the process of determining planning applications.

2.0 Hunsdon's Conservation Area Appraisal

2.1 Hunsdon's Conservation Area was first designated in 1968. The Hunsdon Conservation Area Appraisal was completed in 2013. There was a period of public consultation between August and October 2013. A public exhibition and meeting was held on 12th August 2013 at which about 40 members of the public were in attendance. Responses were received from the Parish Council and from 14 others and other points were raised at the public meeting. The headline issues are set out in the following paragraphs:

2.2 *General content of Appraisal:* The Appraisal sets out a revision to the Conservation Area boundary to exclude properties on Tanners Way and two properties on the High Street. It identifies the key environmental features and the manner in which their quality can be maintained. In relation to Hunsdon the most relevant ones are: Listed Buildings including structures in their curtilages; non listed buildings of quality worthy of protection; other unlisted distinctive features worthy of protection and important open land and spaces.

- 2.3 *Listed buildings and structures in their curtilages:* These are protected by legislation and have been identified in the Appraisal.
- 2.4 *Non listed buildings of quality worthy of protection:* A small number have been identified that make a positive contribution to the Conservation Area and these should be retained through the planning process.
- 2.5 *Other unlisted distinctive features worthy of protection:* A number have been identified and include the war memorial and street lamps. These are important to the rural qualities and character of Hunsdon. Protection could formally be achieved through the introduction of an Article 4 Direction. Prior to considering such a course of action, the Council would need to establish ownership and discuss the matter further with respective owners.
- 2.6 *Important open land and spaces:* The Appraisal has identified a number of such important open spaces that materially contribute to the character or appearance of the Conservation Area that should be protected through the planning process.
- 2.7 *Enhancement proposals to deal with detracting elements:* A number have been identified and include the impact vehicle parking has on the conservation area and discordant signage. It is accepted that such improvements will often only be carried out with the co-operation of owners and other local bodies and organisations. However the District Council may have a role to play in some instances, for example by offering technical advice; by determining applications and where appropriate offering grant assistance.
- 3.0 Consultation Feedback
- 3.1 The Parish Council '*welcomes the Appraisal and Management Plan and sees the report, once finalised, as an important element of the Planning Policy governing development and redevelopment in the heart of the village to maintain our historical and architectural heritage*'. Furthermore the Parish Council has expressed support for a number of suggested improvements proposed by the Appraisal. The general support of the Parish Council is encouraging and the process of identifying and subsequently achieving physical improvements, implemented at local level, however small, is important,

- 3.2 Other comments received through the consultation process are set out in the table included as **Essential Reference Paper B** arranged in the subject order set out above.
- 3.3 **Essential Reference Paper C** is a copy of the Hunsdon Conservation Appraisal and Management Plan as it appeared at the consultation draft stage with track changes to show how the final document will appear. This also includes the maps.
- 3.4 In summary it is recommended that the Hunsdon Conservation Area Appraisal and Management Plan be adopted and be used in the process of determining planning applications.
- 4.0 Implications/ Consultations 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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Contact Officer: Kevin Steptoe – Head of Planning and Building Control, ext 1407
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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	<p><i>Place</i> This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><i>Prosperity</i> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	<i>Community consultation has been undertaken as set out in the report</i>
Legal:	<i>Preparation of the Appraisal fulfils statutory requirements.</i>
Financial:	<p><i>Costs associated with the preparation of the Appraisal are met from within existing staffing and operational budgets.</i></p> <p><i>The Appraisal suggests works and actions which could be undertaken to enhance the character and appearance of the conservation Area and remove detracting elements. The Council is not committed to undertaking these further actions. There will be potential revenue and capital costs associated with doing so – which can be further assessed on reaching a decision whether to undertake further action.</i></p>
Human Resource:	<i>No additional staffing implications</i>
Risk Management:	<i>No significant risk issues</i>

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Essential Reference Paper B

Issue	Representations made	Officer comment
Changes to the Conservation Area Boundary	<p>Support for the changes to the Conservation Area boundary which includes an extension in one area and the removal of two other areas has been given from several respondents.</p> <p>The Parish Council request that a piece of recreational land to the west of Acorn Street, known locally as The Dell, be included within the conservation area. This is an idea shared by other members of the community and has been expressed in written comments and at the public meeting.</p> <p>One respondent asked that officers review the inclusion of 10 A-D and 20 A-D Drury Lane within the conservation area.</p> <p>The proposal to include the pond at the end of Drury Lane is supported.</p>	<p>Officers have carefully re-examined the proposed boundary changes and maintain the view that it would be inappropriate to include The Dell in the Conservation Area. As planning permission has been granted on that site for a chapel. Prior to construction of the building it would be premature to include the area, as it may be considered in the future that the development does not positively contribute to the Conservation Area.</p> <p>Officers consider these properties to be an integral part of Drury Lane and that their continued inclusion in the conservation area is appropriate.</p>
Enhancement proposals to deal with detracting elements	One of issues raised within Part C of the appraisal recognises that the parking of cars around the village pump creates a detraction within the	As the document recognises the parking problem improvements can be sought. A long term solution would be beneficial as long as it does not impact on

	<p>conservation area. Several respondents agree with this view and would like to see the area enhanced as long as the spaces lost through improvement works are relocated nearby.</p> <p>The suggestion of relocating some parking to the Village Hall car park has been supported with one comment suggesting a viable solution. However the Parish Council and some respondents are not in favour of using the Village car park or the war memorial green for parking.</p> <p>All respondents are not in favour of removing the Horse Chestnut tree which sits within the village hall car park.</p> <p>Removal of the current telephone box is approved.</p> <p>The suggestion of introducing a hedge around the Crown public house has received a mixture of positive and negative comments. It is recognised that improvements are needed however how this is to be achieved has been contested in regards to whether the picket fence is repaired or if a hedge is introduced.</p> <p>It has been suggested by respondents that Picket fences be described as an environmental feature of quality.</p>	<p>any other contributory features within the Conservation Area.</p> <p>A recognised above, the demand for parking leads to a problem within the village, if a viable solution is sought it will be in partnership with interested parties.</p> <p>It is noted that as the tree is within the public realm, it should not be a public liability and therefore its deterioration will have to be monitored.</p> <p>Officers support any solution which sees the area improved.</p> <p>There are many picket fences within the conservation area of various sizes and styles some of which form curtilage boundaries to listed buildings. Most of these are likely to be post 1948. Protection is afforded through planning controls if their height exceeds 1 metre fronting a highway.</p>
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<p>Many respondents agree that removing the utility poles will improve the appearance of the conservation area, however they question how realistic and achievable removing them is. One respondent regarded them as quaint.</p> <p>One respondent noted that wheelie bins should be considered as a detracting element.</p> <p>One respondent commented that no. 7 Drury Lane makes a positive contribution to the conservation area, especially since it has been considered for and awarded architectural awards.</p> <p>Several respondents have recognised that there would be a benefit to the area if the Pill box were exposed.</p> <p>The Parish Council informed the District Council That they have requested a grant to clean the monument.</p>	<p>The general support for the renewal of utility poles in noted.</p> <p>Provision of bins is necessary as a result of seeking to achieve recycling objectives. Their impact on the conservation area is noted, however the issue can not be dealt with through this appraisal process.</p> <p>7 Drury Lane is a newly built building, contemporary in design. Officers will allow the building to age before deciding the level to which it contributes to the character and appearance of the conservation area.</p> <p>The officers are in agreement with this view, however they recognise that it is located within private property and therefore a discussion with the owner is required.</p> <p>The Council appreciate how the community works together to maintain and improve the character and appearance of the conservation area.</p>
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ESSENTIAL REFERENCE PAPER 'C'

HUNSDON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

DRAFT FOR CONSULTATION

2013



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East Herts District Council
Pegs Lane, Hertford, SG13 8EQ

HUNSDON DRAFT CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN.

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Plan 1 – Map of 1874 with existing Conservation Area superimposed.

Plan 2 – Character Analysis.

Plan 3 – Management Plan.

HUNSDON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

DRAFT FOR CONSULTATION

2013

This Appraisal has been produced by Officers of East Hertfordshire District Council to assess the current condition of the Hunsdon Conservation Area, to identify where improvements can be made and to advise of any boundary changes that are appropriate. The document is in draft form and will be subject to public consultation and agreement by District Council Members.

1. Introduction.

1.1. The historic environment cannot be replaced and is a resource that is both fragile and finite. Particularly in an age when society and its needs change with rapidity, the various historic and architectural elements of Conservation Areas can be perceived to interact in a complex manner and create a 'unique sense of place' that is appreciated by those lucky enough to reside in such special places and by the many interested persons who appreciate and visit them.

1.2. East Hertfordshire District has a particularly rich and vibrant built heritage, featuring 42 Conservation Areas and approximately 4,000 fine listed buildings displaying a variety of styles representative of the best of architectural and historic designs from many centuries. Generally and very importantly the clear distinction between built form and open countryside has been maintained.

1.3. The District is situated in an economically buoyant region where an attractive environment, employment opportunities and excellent transport links, road rail and air, make it a popular destination to live and work. In addition to London a short commuting distance away, the District is influenced by other factors beyond its administrative area, such as Stansted Airport and the towns of Harlow and Stevenage. With such dynamics it is inevitable that the historic environment will be subject to pressures which emphasize the need to protect it.

1.4. The East Hertfordshire Local Plan Second Review, adopted in April 2007, recognised these facts and committed the Council to review its Conservation Areas and their boundaries. The production of this document is part of this process.

1.5. Conservation Areas are environments which are considered worthy of protection as a result of a combination of factors such as the quality of

design and setting of the buildings or their historic significance. In addition to the individual qualities of the buildings themselves, there are other factors such as the relationships of the buildings with each other, the quality of the spaces between them and the vistas and views that unite or disrupt them. The relationship with adjoining areas and landscape, the quality of trees, boundary treatments, advertisements, road signage, street furniture and hard surfaces, are also important features which can add to or detract from the Conservation Area.

1.6. This Appraisal recognises the importance of these factors and will consider them carefully. Once approved this document will be regarded as a 'material consideration' when determining planning applications. The document also puts forward simple and practical management proposals that would improve the character of the Conservation Area and which are capable of being implemented as and when resources permit.

1.7. The recommendations concerning non-listed buildings and structures are normally formed by the field workers observations made from the public realm and seldom involve internal inspection or an assessment of their structural condition. Therefore recommendations contained in this Appraisal might be subject to reconsideration through the planning application process, where that is necessary, and which would involve the submission of additional information. Similar considerations may apply to estimating dates of buildings.

1.8. This Conservation Appraisal will:

- Identify the special character of Hunsdon;
- Identify elements that should be retained or enhanced;
- Identify detracting elements;
- Review the existing boundary;
- Put forward practical enhancement proposals;

1.9. The document has been prepared in partnership with the local community and the Council would like to record its thanks to the Parish Council and to the members of the local community who provided useful information to officers when the survey was being undertaken.

1.10. Acknowledgement and thanks are also recorded to Hertfordshire County Council whose Historic Environment Unit has been particularly helpful.

1.11. This Appraisal is written in three parts: Part A - Legal and Policy Framework. Part B - Appraisal; Part C - Management Proposals.

PART A - LEGAL AND POLICY FRAMEWORK

2. Legal and Policy framework.

2.1. The legal background for designating a Conservation Area is set out in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that the Council shall from time to time designate Conservation Areas, which are defined as being *'areas of special architectural or historic interest, the character or appearance of which it is desirable to conserve or enhance'*. The same section of the Act also requires that Councils undertake periodic reviews.

2.2. Section 71 of the Act requires Councils to *'formulate and publish proposals for the preservation and enhancement'* of Conservation Areas and hold a public meeting to consider them.

2.3. Within Conservation Areas there are additional planning controls and if these are to be supported it is important that the designated area accords with the statutory definition and is not devalued by including land or buildings that lack special interest.

2.4. One of the most important additional planning controls that apply to Conservation Areas is set out at section 74 of the Act which states that *'a building in a conservation area shall not be demolished without the consent of the appropriate authority'*. This requirement is known as 'Conservation Area Consent' (CAC)* and is subject to certain exceptions. For example it does not apply to Listed Buildings which are protected by their own legislation but is relevant to other non listed buildings in the Conservation Area above a threshold size. Looking for and identifying such buildings is therefore a priority of this appraisal. Another exception relates to certain ecclesiastical buildings which are not subject to local authority listed building and conservation area administration provided an equivalent approved system of control is operated by the church authority. This is known as the 'ecclesiastical exemption'. Importantly in such circumstances, church authorities still need to obtain any necessary planning permissions from the Council.

2.5. The Town and Country Planning (General Permitted Development Order) 1995 (as amended), defines the range of minor developments for which planning permission is not required (permitted development, or PD) and this range is more restricted in Conservation Areas. For example the Order currently requires that the addition of dormer windows to roof slopes, various types of cladding, satellite dishes fronting a highway and a reduced size of extensions, all require planning permission in a Conservation Area whereas they would not require permission beyond.

* Since October 2013 the need to obtain CAC has been replaced by a requirement to obtain planning permission

2.6. However, even within Conservation Areas there are many other minor developments that do not require planning permission. So as to provide further protection the law allows Councils' to introduce additional controls if appropriate. Examples of such controls can include some developments fronting a highway or open space, such as an external porch, the painting of a house or the demolition of some gates, fences or walls. The removal of important architectural features that are important to the character or appearance of a Conservation Area or individual buildings within it such as distinctive porches, windows or walls or railings to non-listed properties can be subject to a more detailed assessment and if appropriate made subject to protection by a legal process known as an 'Article 4 Direction' which withdraws 'Permitted Development Rights'. The use of such Directions can only be made in justified circumstances and a clear assessment of each Conservation Area considerably assists in this respect. In conducting this Appraisal, consideration will be given as to whether or not such additional controls are necessary.

2.7. Works to Trees. Another additional planning control relates to trees located within Conservation Areas. Setting aside various exceptions principally relating to size and condition, any proposal to fell or carry out works to trees has to be 'notified' to the Council within 6 weeks of the works. The Council may then decide to make the tree/s subject to a Tree Preservation Order. This Appraisal diagrammatically identifies only the most significant trees or groups of trees that make a particularly important contribution to the character of the Conservation Area. Other trees not specifically identified may still be suitable for statutory protection.

2.8. Some hedges may be protected by the Hedgerow Regulations 1997. This legislation is extremely complicated and only applies in certain situations that are determined by the location of the hedge, its age and or its historical importance, the wildlife it supports and its number of woody species.

2.9. National Planning Policy Framework. Published in March 2012, this document replaces previous advice, including PPS 5, Planning for the Historic Environment. The principle emphasis of the new framework is to promote sustainable development. Economic, social and environmental roles should not be considered in isolation because they are mutually dependent and positive improvements in the quality of the built, natural and historic environment should be sought, including replacing poor design with better design. Whilst architectural styles should not be imposed it is considered proper to reinforce local distinctiveness.

2.10. In relation to the historic environment the new National Planning Policy Framework advises as follows:

- **There should be a positive strategy in the Local Plan for the conservation of the historic environment and up-to-date evidence used to assess the significance of heritage assets and the contribution they make.**
- **Conservation Areas. Such areas must justify such a status by virtue of being of *‘special architectural or historic interest’*.**
- **Heritage assets. A Heritage asset is defined as *‘a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listings)’*.**
- **Considerable weight should be given to conserving such heritage assets and the more important they are the greater the weight. For example the effect of a development proposal on a non- designated heritage asset should be taken into account and a balanced judgment reached. Substantial harm to or loss of a grade II Listed Building should be exceptional whilst harm to heritage assets of higher status, e.g. a grade I or II* Listed Building should be wholly exceptional.**
- **Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance and proposals that preserve such elements should be approved.**
- **The use of Article 4 Directions to remove national permitted development rights should be limited to situations *‘where this is necessary to protect local amenity or the well being of the area...’***
- **Green Areas. Such areas of particular importance can properly be identified for special protection as Local Green Spaces in selected situations.**

2.11. East Hertfordshire’s environmental initiatives and Local Plan Policies. East Hertfordshire is committed to protecting Conservation Areas and implementing policies which preserve and enhance them; to support their preservation through the publication of design and technical advice and to be pro-active by offering grants and administering an

Historic Buildings Grant Service. With regard to the latter grants are awarded on a first come first served basis in relation to listed buildings and other unlisted buildings of architectural or historic interest. The maximum grant will not normally exceed £1,000.

2.12. In respect of the above the Council has produced a number of leaflets and guidance notes that are available on request. Further details are provided in Appendix 1.

2.13. The Council also has a 'Buildings at Risk Register', originally produced in 2006 and updated in 2012/13. In relation to Hunsdon Parish there are a number of buildings entered on the Register as being 'At Risk' including the Walker Monument at St Dunstan's Church. However no such buildings have been identified within the Conservation Area. Grant assistance not exceeding £10,000 may be available for works that lead to such structures long term security.

2.14. The East Herts Local Plan was adopted by the Council in 2007. The 'saved' policies set out in the plan remain in force and are relevant in relation to Conservation Area and Historic Building considerations. The Local Plan and its policies can be viewed on the Councils website or a copy can be obtained from the Council (contact details are set out in section 7).

2.15. In accordance with the requirements of the Planning and Compulsory Purchase Act 2004, the Council is in the process of preparing a planning policy document which will replace the 2007 Local Plan. This will be known as the East Herts District Plan. Once adopted, the DP will contain the relevant Council planning policies.

2.16. Hunsdon Conservation Area was designated in 1968.

Part B - APPRAISAL

3. Origins and historic development.

3.1. No references to Iron Age, Roman or Saxon occupation have been found.

3.2. Hunsdon appears in Domesday Book as Honesdone but this is the name of a manorial estate and not necessarily that of the core village.

3.3. Although not located within the Conservation Area and removed from the village, Hunsdon House and the Parish Church of St Dunstan, both

listed Grade I, exemplify the historic importance of the area during the 14-16th centuries. Pevsner describes the church as being ‘*a fine late medieval parish church with the oldest timber north porch in the county, an elaborate Jacobean screen to S chapel, the best example in the county, 2 early 17th century monuments of the highest sculptural quality of their time.*’ Pevsner describes Hunsdon House as ‘*a house of great historic interest*’ and it is well documented as being a Royal residence with extensive parks for hunting and closely associated with Tudor monarchs including Henry VIII and Elizabeth I. The Parish church of St Dunstan and Hunsdon House are therefore of outstanding historical interest.



Picture 1 - Parish Church of St. Dunstan, a fine Grade I Listed Building, whose monuments are representative of the rich historical associations of the area.

3.4. From an analysis of the details accompanying the Listed Building descriptions within the Conservation Area it can be shown that 7% date from the 16th century, 37% from the 17th century, 30% from the 18th century and 26% from the 19th century.

3.5. The map dating from 1874 shows a small compact Victorian village whose core is essentially the same area as the existing Conservation Area. This map identifies a School (Boys and Girls), currently the existing Village Hall, the Pump in its existing location, a Post Office south of the existing garage, a Gravel Pit

(now Play Area, west of no.1 High Street) and extensive Allotment Gardens, south of Drury Lane where 20th century residential properties have subsequently been built. Perhaps most interestingly this map shows a small free standing 'Lock Up' at the junction of High Street and Acorn Street with an OS bench mark on its northern wall.



Picture 2 - The Village Pump and High Street in the late 1940's (photograph courtesy of Hertfordshire Archives and Local Studies).

3.6. The map dating from 1897 shows that the Gravel Pit referred to above had been extended in a westerly direction and the Post Office had moved to a location opposite the Fox and Hounds PH.

3.7. The map dating from 1920 shows a further extension to the Gravel Pit, the original Allotment Gardens together with further Allotment Gardens to the rear of nos. 1-11 High Street, a Smithy located on the north western end of Drury Street and a Parish Hall on the site of the existing Garage. Most regrettably the Lock Up had been demolished by this time. Otherwise the village core remained largely unchanged.



Picture 3 – High Street looking west, probably early/mid 20th century ((photograph courtesy of Hertfordshire Archives and Local Studies).

3.8. This situation remained essentially unaltered until the mid 20th century following which residential areas such as Paddock Close and Holland's Croft to the north, development to the south of Drury Lane and Wicklands Road and Rectory Close and Tanners Way enveloped the historic core with typical mid 20th century development.

3.9. During the Second World War a major airfield was built adjacent to the village with construction starting in October 1940. It was opened in 1941 as a Fighter Station with two intersecting runways, a squadron HQ, fighter pens, hangars and defence structures including many pillboxes. In addition to the RAF, the RAAF and RNZAF operated from this site flying Hurricane, Mosquito and Mustang aircraft. 'Operation Jericho', the famous raid on Amiens prison to release French Resistance prisoners was carried out from Hunsdon Airfield. A local source also notes that the R.C.A.F were based here also and they operated the Douglas Havoc Bombers. The same source also mentions the existence of a parachute packing shed, of which only a few remain in the UK.

3.10. Due to the exceptional rarity of some structures (an air raid shelter, sleeping shelters and ammunition stores) and the general good level of preservation, a number of structures and groups were scheduled in 2002. The Scheduled description reads as follows: *In addition to the pillboxes the associated structures at Hunsdon are rare survivals: the air raid shelter, sleeping shelters and the ammunition stores. In particular the two sleeping shelters in Tuck's Spring are very rare nationally with only six*

known examples. Taken individually therefore several of the Hunsdon airfield defence structures can be seen as of national significance; however, it is the survival of the entire group with a distribution around the whole of the airfield perimeter road which provides such a graphic illustration of the nature of airfield defence during World War II.

3.11. Kelly's Post Office Directory of 1874 for Hertfordshire describes Hunsdon as having a National School and Charities amounting to £38 per year being distributed in money. Reference is made to Hunsdon House and occasional historic royal visits. Chief crops were stated to have been wheat, barley and beans. There was a population of 518 in 1871. Trades listed include blacksmith, 2 no. grocer and drapers, coach maker, draper, miller, builder, 2 no. beer retailers, 2 no. shoemakers, saddler, painter and plumber. The only Public House entered at this time is the Fox and Hounds which is consistent with what is annotated on the map dating from 1874. Hunsdon, like most rural villages in this period was an independent self sufficient community.

3.12. The Place Names of Hertfordshire published by Cambridge University Press refers to the following ancient names: Honesdone, Hodesdone (1086), Honesdon (1235), Hunnesdon (1255), Hunesduna (1317) and the present name Hunsdon from 1368. Possibly derived from ancient words translated as 'Hun's Hill'.

3.13. Plan 1 shows the existing Conservation Area superimposed on a map, which dates from 1874.

4. General Designations and criteria used to identify Important Features.

4.1. There are no designated Scheduled Ancient Monuments in the Conservation Area as currently drawn. As identified above, WWII defences at Hunsdon Airfield were scheduled in 2002 and one be such defence, a pillbox at the end of Drury Lane is proposed to included within the extended Conservation Area.

4.2. Areas of Archaeological Significance. Nearly the entirety of Hunsdon's Conservation Area is so designated, the principle exceptions being no. 91 High Street and strips of land to the north of Drury lane and the eastern end of Tanners Way. Not all archeological sites are of equal importance and the Council will decide a course of action that may vary from recording any remains prior to development or protecting it from development, when determining planning applications.

4.3. Listed buildings. Individually listed buildings have been identified, plotted and some very briefly described. Full descriptions can be obtained

on line at English Heritage's web site or Heritage Gateway. Such Listed Buildings are protected from unauthorised demolition, alteration or extension. Structures, including railings and walls, within the curtilages of listed buildings, if they pre date 1948, are subject to the same controls as listed buildings.

4.4. Non-listed buildings of quality and worthy of protection from demolition. There is one non-listed building that makes an important architectural or historic contribution to the Conservation Area and this has been separately identified. The basic questions asked in identifying such buildings/structures are:

- (a) Is the non listed building/structure of sufficient architectural or historic interest whose general external form and appearance remains largely unaltered?
- (b) Does the building contain a sufficient level of external original features and materials?
- (c) Has the building retained its original scale without large inappropriate modern extensions that destroy the visual appearance particularly in respect of the front elevation?
- (d) Is the building/ structure visually important in the street scene?

4.5. Trees and Hedgerows. There are several trees and a hedgerow that particularly contribute to the quality of the Conservation Area. The basic criteria for identifying such important trees and hedgerows are:-

- (a) They are in good condition;
- (b) They are visible at least in part from public view points.
- (c) They make a significant contribution to the street scene or other publicly accessible areas.

4.6. Open spaces or gaps of quality that contribute to the visual importance of the Conservation Area where development would be inappropriate have been identified. The basic question asked in identifying such areas is does the open space or gap form an important landscape feature contributing to the general spatial quality and visual importance of the Conservation Area? Private open spaces forming an important setting for an historic asset and unkempt spaces that have the potential to be enhanced are candidates for selection subject to complying with the principle question.

4.7. Any other distinctive features that make an important visual or historic contribution are noted. Of importance in this respect is the centrally located 19th century cast iron pump and railings.

4.8. Reference has previously been made to the potential of introducing Article 4 Directions in justified circumstances and the criteria for their selection in relation to features associated with selected non listed properties is as follows:

- In relation to chimneys, these need to be in good condition, contemporary with the age of the property, prominent in the street scene and complete with chimney pots. Exceptionally particularly important chimney stacks without pots may be selected.**
- In relation to selected windows, these need to be on front or side elevations, fronting and visible from the street/s, contemporary with the age of the property and where the majority of windows of respective elevations retain their original characteristics and have not been replaced by modern glazing units.**
- In relation to walls or railings in a Conservation Area, those selected need to be below the prescribed heights (those fronting a highway including a footpath or bridleway, water course or open space 1m or 2m elsewhere require prior consent for their demolition), be prominent in the street scene and make a positive architectural or historic contribution to its visual appearance.**
- In relation to other features, these may include good quality architectural detailing to non-listed buildings, constructed of wood, metal or other materials.**
- It may also be appropriate to introduce Article 4 Directions to retain quality buildings below the prescribed threshold where consent for demolition in Conservation Areas is not required.**

4.9. Features that detract from the character of the area or which are in poor repair have been identified.

4.10. Important views are identified and are described below.

4.11. In suggesting any revisions to the Conservation Area boundary, consideration has been given as to whether or not the land or buildings in question form part of an area of special architectural or historic interest whose character or appearance should be conserved.

5. General Character and Setting of Hunsdon.

5.1. In terms of its wider setting, the Council has produced a Landscape Character Assessment (2007) as a Supplementary Planning Document. It describes Hunsdon village as being situated on the Hunsdon Plateau bounded to the south by estate/ parkland associated with the River Stort, to the east by farmland and to the north by the River Ash valley. The area is described as being very rural in nature with few settlements, quite remote with significant woodland groups in north east. One distinctive feature identified is Hunsdon airfield, described as being bleak and lacking in features.

5.2. Whilst the general character of the whole Parish has changed significantly elsewhere with the influx of 20th century development, Hunsdon's Conservation Area has largely retained its historic identity, particularly by its tightly knit groupings of Listed Buildings on the High Street.

5.3. Throughout the Conservation Area trees in groups or as individual specimens add to its quality.

5.4. There are 80 Listed Buildings in the Parish as a whole, 5 of which are Grade II* and 2, St Dunstan's Church and Hunsdon House, being Grade I.

5.5. Of these, 27 are concentrated in Hunsdon's designated Conservation Area. Here buildings from the 16th to 19th centuries are represented. As previously noted 7% date from the 16th century, 37% from the 17th century, 30% from the 18th century and 26% from the 19th century.

5.6. As set out below this Appraisal identifies any other buildings and structures of quality that are not individually listed.

5.7. In summary most of the designated Conservation Area is visually rich in quality buildings. The lack of parking provision associated with dwellings results in a large area of parked vehicles in the Conservation Area. The impact of this is considered to detract from the quality of the area. The few quality buildings on Drury Lane are dominated by modern development whilst features beyond its existing eastern boundary are of quality and warrant serious consideration for being included within the Conservation Area.

5.8. The existing Conservation Area is clearly defined and has a visually separate identity from the modern developments that surround it and is composed of two main identity areas:- Area A - Drury Lane and Area B - the remainder of the Conservation Area, principally High Street.

6. Detailed Character Analysis.

6.1 Area A – Drury Lane.

6.2. General Overview. Drury Lane is a narrow road in which 20th century housing of limited architectural or historic importance dominates. The front boundaries of these 20th century dwellings are characterised by a mixture of uncoordinated treatments and use of different materials that detract in places from the quality of the lane as a whole. The lane provides direct access to the open countryside whose large scale, flat and open qualities are characteristic of its former use as a WWII airfield. The visual quality of the lane improves as the well defined and clear break with the open countryside is approached, where a small meadow, trees and a pond of some antiquity provide a verdant environment. The lane continues into the arable open countryside by a well used public footpath.

6.3. Scheduled Ancient Monument. In the garden of Hunsdon Lodge Farm, a short distance from the eastern edge of the existing Conservation Area and obscured by dense scrub and trees, is a scheduled WWII pillbox. The scheduling entry describes it as being *‘an unusual, hexagonal pillbox built of brick walls with a concrete roof ... max. diameter 4.7 m, with comparatively thin brick walls, full-height doorway, and non-flaring gun apertures (without gun mountings). It is suggested that its primary function may have been a communications post’*. As previously noted this part of the lane links up with a well used public footpath whose users would benefit by seeing this interesting structure if the owner would consider removing some of the scrub and opening up the view of the pillbox.

6.4. Archaeological sites. Most of Drury Lane is designated as being an Area of Archaeological Importance which extends as a curiously shaped ‘arrow head’ in a south easterly direction to include the site of a former pillbox some distance away to the east of no. 26 Wicklands Road.

6.5. Individually Listed Buildings. Within Drury Lane there are 4 Listed Buildings namely, nos. 2- 4, dating from the 18th century; nos. 24-26, dating from the 17th century; Orchards, no. 9, dating from the 17th century or earlier and no. 21, probably dating from the 18th century. Nos. 2-4 situated at the western extremity are visually linked with the High Street. Nos. 9, 21 and 24- 26 form an interesting group towards the eastern end of the lane. Nos. 24-26 are probably the most interesting and picturesque which the Listed Building text identifies as having once been the former village Bakehouse. All are listed grade II.

6.6. Other buildings that make an important architectural or historic contribution. None have been identified.

6.7. Other distinctive features that make an important architectural or historic contribution. None have been identified.

6.8. Important open land, open spaces and gaps. As previously considered, the small open meadow and pond to the east of no. 21 Drury Lane is a pleasant verdant environment. It makes a significant contribution to the general spatial and visual importance of the lane and it is considered appropriate to extend the Conservation Area to include it. The pond may have wildlife interest but this is unknown without survey. A countywide Reptile and Amphibian Group may be willing to provide the necessary expertise to determine this.



Picture 4 – Attractive pond and treed area at eastern extremity of Drury Lane, proposed to be included within the Conservation Area.

6.9. Particularly important trees and hedgerows. There are several particularly important trees within Drury Lane as diagrammatically identified on the plans. The greatest concentration is located at the eastern extremity, proposed for inclusion within the Conservation Area.

6.10. *Important views.* Views from within looking eastwards and from the footpath in the countryside beyond looking towards the Conservation Area are important.

6.11. *Elements out of character with the Conservation Area.* A support post to a highway sign at the western end needs repainting. A power supply pole and associated equipment located adjacent to the well used footpath at the eastern end detracts. Also fencing in the central section of the north side of Drury Lane would benefit from repair.



Picture 5 – Detracting utility pole adjacent to Public Footpath at eastern extremity of Drury Lane.

6.12. *Opportunities to secure improvements.* Discuss with owners of Hundston Lodge Farm concerning potential of opening view of scheduled WWII pillbox. Discuss the potential for improvements to both the highway sign and power supply equipment with Hertfordshire CC and Power Company, respectively. Discuss with owner the potential for executing selected repairs to fencing.

6.13. *Suggested boundary changes.* It is considered appropriate to retain Drury Lane within the Conservation Area and extend it to include the WWII pillbox, pond, small meadow and treed area at its eastern extremity.

6.14. Area B - principally High Street.

6.15. *General Overview.* The general overview of the High Street and the remainder of the village is one of a compact historic core surrounded by modern development within which car parking has a considerable visual impact. This occurs because the built form in the centre of the village consists of several long terraces with limited off street car parking facilities. The dense urban townscape which is distinctive in this part of the High Street differs from the more open nature of the village in the west, mostly characterised by 19th century 'estate' cottages.

6.16. *Scheduled Ancient Monuments.* There are none.

6.17. *Archaeological sites.* Data from Hertfordshire County Council indicates that a Victorian Tombstone from 1851 was found to the rear of no. 39 High Street and infers the latter may have originated from a burial ground reputedly associated with a Friends Meeting House at 15 High Street to the west. (The latter building is not shown as such on the early maps from this period. If the tombstone still exists and the writing is legible, its possible association with a Friends Meeting House would be easy to establish. By way of example a Quaker tombstone commemorating a death, say on 25th February would likely be inscribed ...'on the 25th of the second month'). Other archaeological records from the same source are generally associated with Listed Building descriptions, some of which are mentioned below.

6.18. *Individually Listed Buildings.* Within this area there are 23 individually Listed Buildings or groups of buildings. All are grade II except Pump House and Tanners, which are both grade II*.

6.19. These latter two, date from the 16th century or earlier and are probably former Hall Houses and are of considerable historic and

architectural interest. The Pump House is a central focus point and the largest in the Conservation Area and is recorded as having been The Feathers (PH?) in 1637, a Smithy in 1671 and later a Coachmaker and Builder. Tanners on the other hand is the centerpiece of a picturesque group in its part of the High Street and was formerly a farmhouse.

6.20. Eight of the remaining buildings in this area date from the 17th century; 6 from the 18th century and 7 from the 19th century.

6.21. Interestingly representative of the 17th century are nos. 28-32 High Street that were built for widows in 1697 by the Hunsdon Charity and altered after 1842. Their weather boarded façade and tiled roofs are prominent in the streetscape. The groupings appearance could be improved by co-ordinating the design of front doors, some of which are out of keeping with their listed status. Nos. 73-77 also dates from the same period and are similarly white weather boarded. This architectural element is prominent to this part of the village and is an essential feature that must be retained. Painting individual properties different colours would be entirely inappropriate.



Picture 6 - White weatherboarding is an important architectural feature of some Listed Buildings in Hunsdon.



Picture 7 – A terrace not local to Hunsdon: the purpose of this photo is to illustrate the importance of design detail. The successful character of historic terraces in part depends on simple repetitive detailing, including doors. Expression of ownership can be provided by painting doors different colours.

6.22. The Village Hall as previously noted was a School and dates from the 18th century. Timber framed and tiled roof, it is symmetrically flanked by nos. 41 and 49 that the Listed Building text describes thus: *'this estate village town planning scheme (to achieve formal symmetry around the then school) was carried out (in the early 19th century) when the Calvert family owned Hunsdon House'*.



Picture 8 – The Village Hall, High Street.

6.23. The western end of the northern side of High Street contains a picturesque grouping of 19th century Gothic estate houses, distinctive and important in the street scene. Within this grouping is no.15, possibly a former Friends Meeting House. This charming Lilliputian building probably dates from the early 17th century and was given its existing appearance during the 19th century.

6.24. Elsewhere, the village pump and railings by Turner of Dorset Street, Fleet Street, London, is a fine 19th century of a Victorian public pump in the Gothic style. It is a focal point to which the eye is drawn but unfortunately its qualities are frequently obscured by parked vehicles. The feature is considered of sufficient quality to warrant exploring the possibility of introducing a traffic management scheme to overcome this. Such a scheme might consist of a raised platform edged with granite kerbs. There may be other solutions worthy of discussing with the Highway Authority and the Parish Council.



Picture 9 – The Village Pump and Railings, a central focal point of the village, frequently obscured by parked vehicles. It is proposed to explore the potential of introducing a Traffic Management Scheme. Compare this photograph with historic picture no. 2 .

6.25. *Other buildings that make an important architectural or historic contribution.* Only one such building has been identified namely No. 91 High Street, a tall distinctive early 20th century house, painted brickwork, slate roof and 2 no. tall chimneys with pots. The central door is recessed and there are 2 no. bay windows to ground floor with vertical sliding sash windows. Selected architectural detailing are candidates for protection by possible Article 4 Direction subject to further consideration and notification.



Picture10 – No. 91 High Street, identified as an unlisted building that makes an important architectural or historic contribution to the street scene with selected features that are worthy of protection

6.26. *Other distinctive features that make an important architectural or historic contribution.* The village pump and railings has already been identified as a key Listed Building of quality above. Nearby there is an early street lamp repaired and rejoined at the top of its support that may date from the early 20th century.

6.27. The other feature of quality is the stone war memorial at the junction of High Street and Acorn Street. This consists of a tall stone cross, set on a stone base and commemorates those who gave their lives in both the Great War and WWII.



Picture 11 – The War Memorial and adjacent public car parking area. This important focal point in the village could perhaps be improved and subject to Parish Council agreement, it is suggested that an enhancement scheme be prepared for consideration.

6.28. *Important open land, open spaces and gaps.* The War Memorial referred to above is located on a triangle of land to the south of a small public car parking area and bounded to the east by the Crown PH. The whole area is an important focal point within which there are several signs, decorative, directional and informational; a Horsechestnut tree showing some signs of dieback and a modern telephone kiosk that appears underused and untidy with graffiti. The grass treatment around the War Memorial and the tarmac surface of the car park are simple and effective.

6.29. However the whole space and the contribution it makes to this focal point in the Conservation Area could be improved by introducing clearer boundary definition. One means of securing this objective would be continuing the native hedge to shield the picket boundary fence of the Crown PH (in need of repair), consider removal of Horsechestnut tree (should dieback accelerate) and the telephone Kiosk (?), and subject to practical issues, such as the possible presence of underground services and maintaining highway visibility at the junction, introduce selective specimen tree planting. This will be discussed with the Parish Council in the first instance.

6.30. *Particularly important trees and hedgerows.* There are several trees on the south side of the High Street that contribute to the quality of the Conservation Area. One of these is the Horsechestnut within the public parking area, which as noted above, may be reaching the end of its life. The hedge to the north of the well used footpath from Tanners Way to the High Street is visually important and clearly defines the open countryside to its north whilst enclosing the linear stretch extensively used by walkers.

6.31. *Important views.* Views along the High Street in both directions are important. The one looking north east across the village pump and railings towards the Pump House is the most important and one that could be improved to a significant degree by the implementation of an improvement scheme as referred to above.

6.32. *Elements out of character with the Conservation Area.* The principle detracting element is the visual impact as a result of parked vehicles. It is recognised that real improvements could only be achieved by providing additional parking in close proximity to the problem and the likelihood of achieving this is remote. However as mentioned above, a scheme aimed at removing the few parked vehicles in the immediate vicinity of the village pump is worthy of further consideration. There are a number of utility poles that also detract. Those outside nos.59/61, no. 41A and no. 23 are particularly intrusive and adversely affect the historic environment.



Picture 12 – One of several utility poles that detract from the high visual and historic qualities of the Conservation Area.

6.33. *Opportunities to secure improvements.* In conjunction with the Parish Council and Highway Authority consider enhancement schemes at (a) the Village Pump and railings and (b) the Memorial and car parking area, junction of Acorn Street / High Street. Contact should be made with the utility company to seek their views if there is a realistic opportunity to remove the intruding equipment referred to above, possibly on a phased long term basis.

6.34. *Suggested boundary changes.* Relatively minor changes are proposed to better reflect existing boundaries north of St Dunstan's Road. Modern properties, nos. 50 - 56 Tanners Way, together with the frontages to nos. 36 – 38 High Street, are proposed to be excluded. These latter sites

are not areas of special architectural or historic interest whose character or appearance should be conserved.



Picture 13 - 20th century properties at Tanners Way proposed to be removed from the Conservation Area.

6.35. Overall summary. Hunsdon Conservation Area is generally of high quality with key buildings of architectural and historic interest being concentrated in the High Street where the 16th to 19th centuries are well represented. Because of its layout and architectural form, on-street car parking is a problem with no real opportunities to properly resolve the issue. It is recommended that Drury Lane remain within the Conservation Area where an extension is also proposed. Elsewhere relatively minor boundary changes are suggested. Enhancement schemes are suggested for further consideration to improve the environment in the centre of the village by re instating the Victorian Pump and railings as an important central feature which would involve measures to prevent several vehicles from parking in its immediate vicinity. Subject to views of the Parish Council it is also proposed to improve the area around the public car parking and War Memorial at the junction of Acorn Street and High Street.

PART C – MANAGEMENT PROPOSALS

7. Management Proposals.

7.1. *Revised Conservation Area Boundary.* The revised boundary is shown on Plan 3 and includes the following amendments.

- (a)** Extend the Conservation Area to include meadow land, pond and scheduled WWII pillbox at the eastern extremity of Drury Lane.
- (b)** Exclude nos. 50 – 56 Tanners Lane.
- (c)** Exclude frontages to nos. 36 – 38 High Street.
- (d)** Minor boundary changes north of St. Dunstan's Road.

7.2. *General Planning Control and Good Practice within the Conservation Area.* All planning policies are contained in the East Herts Local Plan Second Review adopted in April 2007. It is against this document and the National Planning Policy Framework that the District Council will process applications.

7.3. Applicants considering submitting any application should carefully consider the relevant policies and if necessary contact Council Officers to seek pre-application advice. For further details including advice on Planning Applications, Conservation Areas, Listed Buildings, Landscaping, and other general administrative advice please contact the Planning Department for assistance.

Telephone no. 01279 655261

E-mail planning@eastherts.gov.uk

Or write to E.H.D.C. Wallfields, Pegs Lane, Hertford SG13 8EQ

7.4. Applicants may also wish to refer to one of the several Guidance Notes referred to in Appendix 1 below.

7.5. *Planning Control - Potential need to Undertake an Archeological Evaluation.* Within the sites designated as being an Area of Archaeological Significance the content of policies BH1, BH2 and BH3 are particularly relevant.

7.6. With regard to Scheduled Ancient Monuments (in this case the pillbox at the eastern end of Drury Lane), English Heritage's Guide for Owners and Occupiers states that should a person wish to carry out any works that will affect a scheduled monument '*whether above or below ground,*

you must apply to the Secretary of State for prior written permission.' Where this is applicable, applicants are strongly recommended to contact the regional English Heritage office for early discussions. The local contact details are English Heritage 24 Brooklands Avenue Cambridge CB2 2BU. Telephone 01223 582700. E-mail: eastofengland@english-heritage.org.uk

7.7. Listed Building Control and Good Practice. Those buildings that are individually listed are identified. Other pre 1948 buildings or structures within the curtilage of a Listed Building are similarly protected in law.

7.8. Listed Buildings are the most significant factor in contributing to the quality of Hunsdon's built environment. It is essential that their architectural detailing is not eroded and their other qualities and settings not compromised. Of particular importance are several white weather boarded facades to Listed Buildings that are prominent in the High Street. As previously referred to this architectural element is an essential feature that must be retained. Painting individual properties different colours would be entirely inappropriate.

7.9. Planning Control – Other Unlisted Buildings that make an Important Architectural or Historic Contribution. Within the revised Conservation Area there is only one such unlisted building that has been identified, namely no. 91 High Street. Any proposal involving its demolition would unlikely to be approved.

7.10. Proposed Article 4 Direction – Distinctive features that are integral to the unlisted building identified in the above paragraph which make an important architectural or historic contribution include selected chimneys and windows. Appropriate additional protection can be provided by removing Permitted Development Rights via an Article 4 Direction. The associated legislation is complex. Should the Council consider such a course of action appropriate there would be a process of notifying the affected owner separately at a later date. This would be associated with further detailed consideration and possible refinement.

7.11. Planning Control – Important open land, open spaces and gaps. This Appraisal has identified the following important spaces: the area around the War Memorial at Acorn Street and the small meadow and pond at the eastern extremity of Drury Lane. These represent open spaces and other landscape features within the revised boundary to the Conservation Area that materially contribute to its character or appearance and will be protected.

7.12. Planning Control – Particularly important trees and hedgerows. Only the most significant trees are shown diagrammatically. Subject to certain

exceptions all trees in a Conservation Area are afforded protection and a person wanting to carry out works has to notify the Council. Trees that have not been identified may still be considered suitable for protection by Tree Preservation Orders. Owners are advised to make regular inspections to check the health of trees in the interests of amenity and Health and Safety. As previously advised some hedgerows may be protected by the Hedgerow Regulations.

7.13. Planning Control –Important views. The most important views within and out of the Conservation area are diagrammatically shown. Policy BH6 is particularly relevant.

7.14. Enhancement Proposals. The Appraisal has identified a number of elements that detract and which are summarised in the Table below together with a proposed course of action. Within the staff and financial resources available, Council Officers will be pro-active and provide assistance. It must be recognized that such improvements will frequently only be achieved with the owners co-operation.

Detracting element	Location	Proposed Action.
Car parking immediately adjacent to listed Victorian Pump and railings.	High Street, junction with Drury Lane.	Discuss options at local level and seek to negotiate an improved solution with the Parish Council and the County Council whereby Pump and Railings are reinstated as a key central focal point. The council will seek to find a solution in partnership with the Highway Department with Hertfordshire County Council.
Elements within War Memorial and public car parking area.	Junction High Street /Acorn Street.	Seek to negotiate improved solution with the Parish Council and County Council. With PC agreement, consider comprehensive landscape improvements. The Horsechestnut tree's deterioration will have to be monitored.
Power distribution pole and equipment.	Eastern end of Drury Lane.	Discuss potential for improvements with power company.
Highway sign.	Entrance to Drury Lane.	Treat/repaint rusty pole.
Wooden fencing	Central section	Discuss potential for

	Drury Lane	improvements with owner.
3 no. utility poles.	High Street, near nos. 23,41A and 59/61.	Discuss potential for improvements with power company.
Other actions		
Request owner of secluded WWII pillbox to enhance view for benefit of passing walkers on nearby public footpath.		
Check need for continued presence of Telephone Kiosk, junction High Street/Acorn Street. The Officers will make contact with the utility company.		

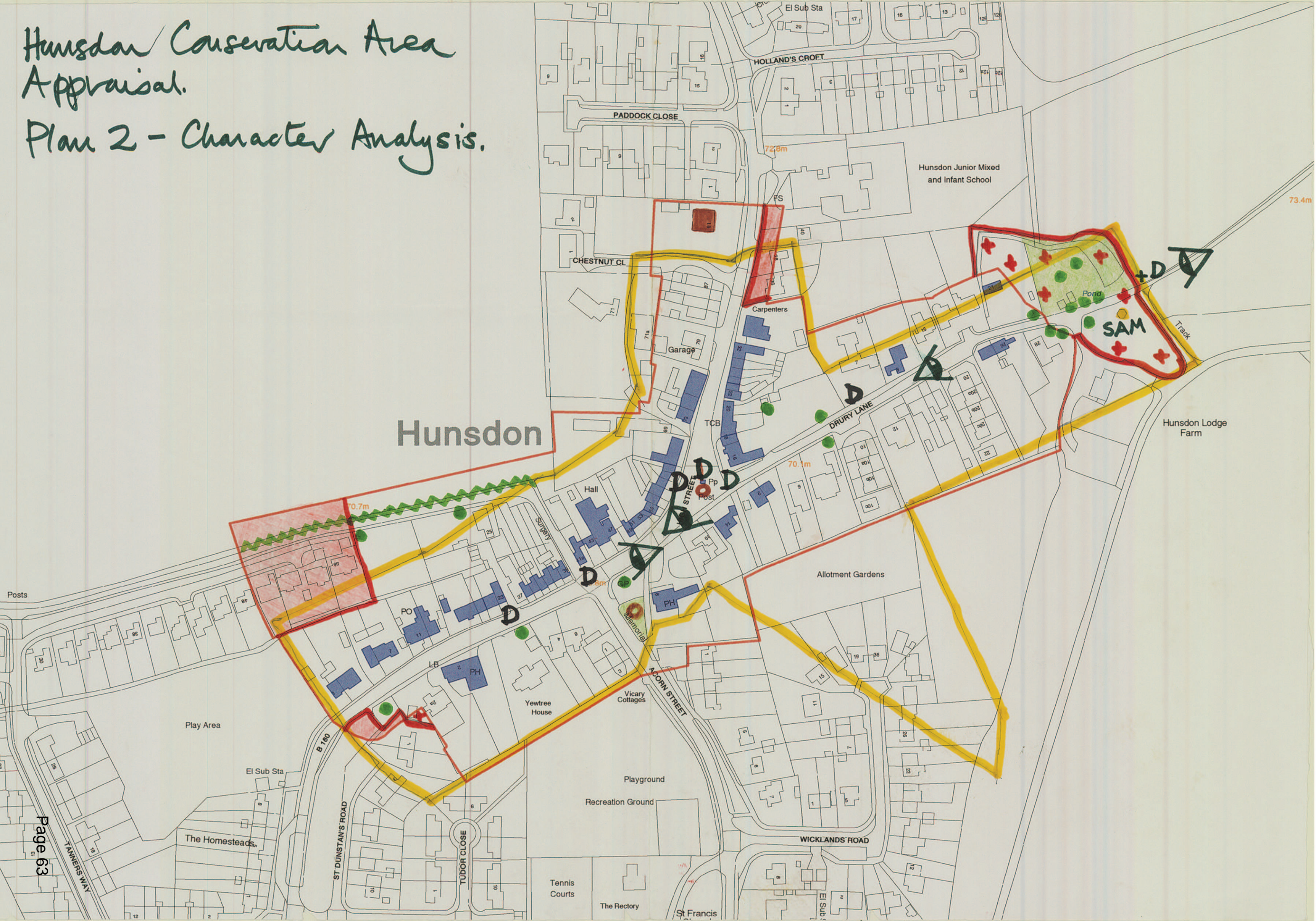
Appendix 1. Guidance notes produced by East Hertfordshire District Council. The following represent useful technical information and can be obtained via the details provided above.

- 1. Brick Repointing and Repair.**
- 2. Conservation Areas.**
- 3. Cleaning Historic Brickwork.**
- 4. Farm Buildings.**
- 5. Flint and Flint Wall Repair.**
- 6. Hard Landscaping in Historic Areas.**
- 7. Listed Buildings.**
- 8. Rainwater Goods and Lead.**
- 9. Shopfronts.**

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Hunsdon Conservation Area Appraisal.

Plan 2 - Character Analysis.



Hunsdon

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Hunsdon Conservation Area Appraisal.

Plan 2 - Character Analysis.

Existing Conservation Area bandany.



Proposed extension to Conservation Area.



Areas proposed to be removed from Conservation Area.



Scheduled Ancient Monument
Area of Archeological Significance.



Individually Listed Buildings.



Unlisted building that makes an important architectural or historic contribution.



Other distinctive features that make an important architectural or historic contribution.



Important Open spaces



Particularly important trees and Hedgrows (diagrammatic).



Important Views.

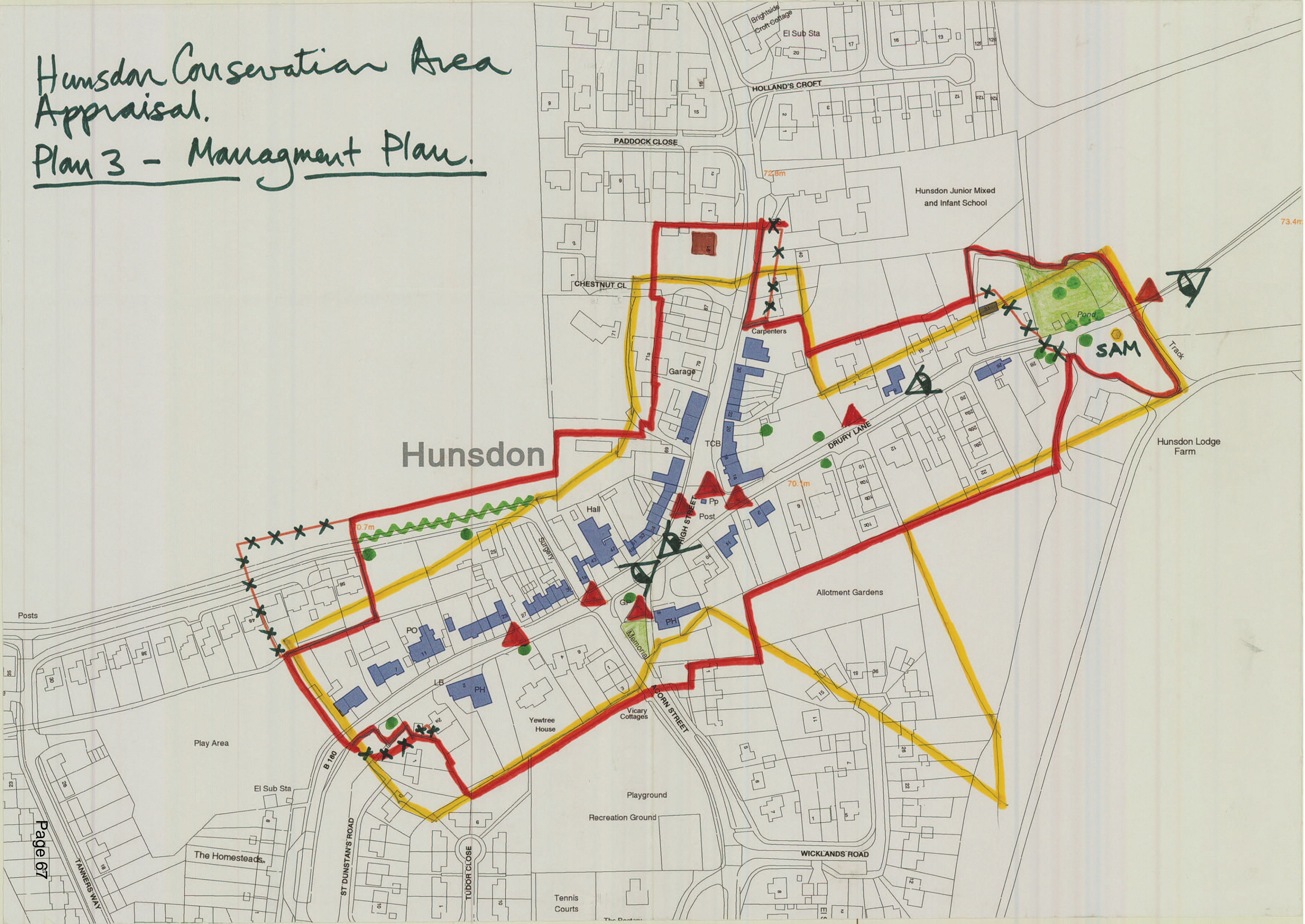


Detracting elements.



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Hunsdon Conservation Area Appraisal.

Plan 3 - Management Plan.

All ^{Saved} District Plan policies ^{and Government planning policies set out in the 'National Policy Framework' (NPPF)} apply. ^{apply as appropriate}

Revised Conservation Area boundary
Proposed Boundary change.
Scheduled Ancient Monument; Policies
BH1, BH2, BH3, particularly apply.

Area of Archaeological Significance;
Policies BH1, BH2, BH3, particularly apply.

Listed Buildings; policies BH9,
BH10, BH11, BH12 particularly apply

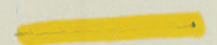
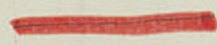
Unlisted building to be protected
from demolition.

Important Open Spaces to be protected.

Particularly important Trees and
Hedge row to be protected (subject to
application of appropriate legislation)

Important views to be protected

Proposed enhancements.



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EAST HERTS COUNCIL

EXECUTIVE – 5 NOVEMBER 2013

REPORT BY EXECUTIVE MEMBER FOR COMMUNITY SAFETY AND ENVIRONMENT

SCRAP METAL DEALERS ACT 2013

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- The purpose of this report is to provide details of the new legislation, consider the proposed application fees and the proposed delegation of powers.

<u>RECOMMENDATIONS FOR EXECUTIVE: That:</u>	
(A)	the proposed fee levels as set out in Essential Reference Paper B, be adopted; and
(B)	the proposed delegations for dealing with licensing and enforcement as set out in Essential Reference Paper C, be approved.

1.0 Background

- 1.1 Scrap metal theft costs the country between £220 and £777 million a year, according to the government. It can have an impact at a local level, such as lead taken from roofs, metal from war memorials or even stolen manhole covers. It can have widespread effects disrupting transport or communications systems.
- 1.2 In recent years several initiatives have developed to try and stop the rise of metal thefts. These have principally been led by the British Transport Police's Operation Tornado, which targets metal thefts. During the first six months of 2012, metal theft fell by 30 per cent in Hertfordshire compared to the same period of 2011 –

533 incidents compared to 773. Last year the law was amended to make it illegal for scrap metal to be paid for in cash meaning an audit trail was put in place which will hopefully deter sales of stolen metals. The Scrap Metal Dealers' Act 2013 has been passed by Parliament, unusually as a Private Members' Bill but with Government support, and it is hoped the new regulatory controls will provide a far more effective way to manage this industry.

2.0 Report

2.1 The 2013 Act repeals the Scrap Metal Dealers Act 1964 (as amended) and Part 1 of the Vehicle (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act maintains local authorities as the principal regulator, but gives them the power to better regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'. The Act gives more power for the council to work towards making safer communities and assisting in its work tackling enviro-crime.

2.2 The Act defines a "scrap metal dealer" as a person who:

- a) carries on a business which consists wholly or partly in buying or selling scrap metal, or
- b) carries on business as a motor salvage operator.

2.3 The Act states that "scrap metal" includes:

- a) any old, waste or discarded metal or metallic material, and
- b) any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

2.4 The following is not considered to be "scrap metal":

- a) gold
- b) silver, and
- c) any alloy of which 2 per cent or more by weight is attributable to gold or silver.

2.5 Section 1 of the Act requires that a scrap metal dealer obtains a licence from the local authority in order to carry on business as a scrap metal dealer. It will be an offence to carry on a business as

a scrap metal dealer in breach of the requirement to hold a licence. The offence is punishable on summary conviction with a fine not exceeding £5000 (level 5 on the standard scale for summary offences set in the Criminal Justice Act 1982).

2.6 Site licences

A site licence will be issued by the local authority in whose area a scrap metal site is situated. Applicants will be required to identify all the sites within the District at which it is proposed to carry on business as a scrap metal dealer and a site manager will need to be named for each site. In so doing, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area. There are presently five licensed sites in the District and this number is expected to change as a result of the new legislation.

2.7 Collectors' licence

A collector's licence will authorise the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal. As this is a new licensing requirement and will apply to businesses from outside the District who wish to operate within East Herts, there are no accurate estimates of numbers at this stage. The best estimate based on entries in telephone directories is there may be between twelve and twenty applications.

2.8 The licence does not permit the collector to collect from any other local authority area; a separate licence would need to be obtained from each local authority in whose area the individual wished to collect. A licence also does not authorise the licensee to carry on a business at a site within any area – should a collector wish to use a fixed site, they would need to obtain a site licence from the relevant local authority. There is no restriction as to the location where the collector can transport and sell their metals.

2.9 A person may therefore hold a site licence issued by one local authority and may also hold a number of collector licenses issued by different local authorities.

2.10 A licence will be issued for a period of three years from the date of issue. The Secretary of State will have the power under section 1(4) of the Act to alter the duration of the licence. The costs for the licences – which may not take account of any enforcement

action against unlicensed operators – can be spread across the three year period.

- 2.11 Section 3 requires that the licensing authority has to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In considering suitability, the local authority may have regard to any relevant information, including whether any enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence. The Secretary of State has prescribed in regulations the meaning of relevant offence and relevant enforcement action. The authority must also have regard to the guidance on determining suitability which will be issued from time to time by the Secretary of State, and the authority may consult with other organisations to assist in determining suitability. There will therefore be costs to the authority associated with those exercises.
- 2.12 Section 4 provides the licensing authority with the discretion to revoke a licence on particular grounds, including where the local authority is no longer satisfied that the licensee is a suitable person to carry on the business as a scrap metal dealer. The revocation of a licence can only be carried out by a local authority.
- 2.13 A council's ability to impose conditions on a licence is very limited. Conditions can be imposed only where the applicant or any site manager has been convicted of a relevant offence, or, where the council is revoking a licence when a condition can be imposed, until the revocation comes into effect. For the majority of applicants therefore it is unlikely that a council will be in a position of being able to consider imposing conditions. In considering whether to issue a licence where the applicant or a site manager has a relevant conviction, the local authority might decide to do this on the basis that a condition is imposed on the licence.

Councils can impose one or both of two conditions. These conditions specify that:

- the dealer can receive scrap metal only between 9.00am and 5.00pm on any day, in effect limiting the dealer's operating hours; and/or

- any scrap metal received has to be kept in the form the dealer received it for a set period of time, which cannot be more than 72 hours.
- 2.14 Section 6 places a duty on the local authority to supply any such information as requested relating to scrap metal licences to any other local authority in England and Wales, the Environment Agency and to Police forces.
- 2.15 Section 7 requires that a register of licences issued under the Act should be maintained by the Environment Agency. Local authorities will provide the appropriate information on all licences issued in their geographic areas in order that the register can be updated regularly. The register will be made openly accessible to the public and will include: the name of the authority which issued the licence; the name of the licensee; any trading name; the type of licence; the site(s) covered by the licence and the expiry date of the licence.
- 2.16 Section 10 requires that the licensee display a copy of their licence. For site operators this must be in a prominent place in an area accessible to the public. For mobile collectors, it must be in a manner which enables the licence to be easily read by a person outside the vehicle. A criminal offence is committed by any scrap metal dealer who fails to fulfil these requirements. This offence is punishable on summary conviction with a fine not exceeding £1000 (level 3 on the standard scale for summary offences set in the Criminal Justice Act 1982).
- 2.17 Section 11 places a requirement on scrap metal dealers, site managers and employees who have been delegated the responsibility to do so, to verify the identity of the person they are receiving metal from and the person's address. This verification must be done by reference to data, documents or other information obtained from a reliable or independent source, such as the Identity and Passport Service, the Driver and Vehicle Licensing Agency, a bank or utility company etc. The Secretary of State will prescribe in regulations the data or documents which are sufficient or not sufficient, as the case may be, for verifying identity. Over 80 per cent of the county's scrap yards already require such identity checks following targeted work by Hertfordshire Police and so this will not be an excessive requirement for most.
- 2.18 It will be an offence not to obtain and verify the seller's identity,

punishable by a fine not exceeding £1000 (level 3 on the standard scale for summary offences set in the Criminal Justice Act 1982). The offence will apply to the scrap metal dealer, the site manager and any person, who under arrangements made by either the scrap metal dealer or the site manager, has responsibility for fulfilling this requirement on behalf of the business.

- 2.19 Section 13 of the Act sets out the record-keeping requirements in respect of any scrap metal received by a scrap metal dealer in the course of their business. Information that is required to be recorded includes the type of metal being purchased; the time/date of the transaction; personal information on the seller; who is acting on behalf of the dealer and proof of the non-cash transaction. Failure to comply with the requirements of this section is an offence attracting a penalty up to £5000 (level 5 on the standard scale for summary offences set in the Criminal Justice Act 1982).
- 2.20 Both the council and police have enforcement powers under the Act. Officers of East Herts Council already liaise on a regular basis with the police, Environment Agency and other bodies. It is expected joint operations with other agencies will be supplemented and informed by pro-active inspections being undertaken by Council officers at fixed sites and with collectors in the District.
- 2.21 Appeals against a decision by the council to refuse an application, to impose a condition on the licence or to revoke or vary the licence are made to the magistrates' court within 21 days of the decision being appealed against.
- 2.22 **Proposals for fees**
The fee level has been calculated at £246.00 for a site and £222.50 for a collector licences and covers a licence period of three years. Fees to renew a site licence are calculated to be £182.70 for a site licence and £159.20 for a collectors licence. The fee for variation or change of name on either a site or collectors licence and change of site has been calculated at £43.50 taking into account the complexity of the applications. In setting fees, the council has to have regard to the Provision of Services Regulations 2009, and a recent judgement of the Court of Appeal. Cost recovery through fees are therefore limited to the costs of administering applications and monitoring compliance of licensed operators but cannot take into account enforcement activities

against unlicensed operators. Surpluses and deficits from one year may be carried forward to the following year. The licence fee proposal is based on the assumptions set out in **Essential Reference Paper B** and is in accordance with the Home Office statutory guidance on fee setting issued on 12 August 2013.

2.23 **Proposals for scheme of delegation**

The scheme of delegations proposed at **Essential Reference Paper C** involves most decisions being taken at officer level in the interests of efficiency. However, given the potential impact of decisions to revoke or refuse a licence this decision is proposed to be delegated to the Director of Neighbourhood Services. This function cannot be delegated to the Licensing Committee (or a sub-committee of the Licensing Committee) as it is currently a function of the Executive. It is understood the Government will amend the relevant regulations next year to bring this within the jurisdiction of the Licensing Committee and at that stage the Constitution will be amended.

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

Scrap Metal Dealers Act 2013: guidance on fees and charges

(Issued by the Home Office 12 August 2013)

<http://online.eastherts.gov.uk/moderngov/mglIssueHistoryHome.aspx?lId=12612&PlanId=188>

Contact Member: Malcolm Alexander – Deputy Leader and Executive Member for Community Safety and Environment
malcolm.alexander@eastherts.gov.uk

Contact Officer: Simon Drinkwater - Director of Neighbourhood Services
simon.drinkwater@eastherts.gov.uk

Report Author: Oliver Rawlings – Senior Specialist Licensing Officer
oliver.rawlings@eastherts.gov.uk

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	<i>Prosperity</i> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.
Consultation:	<i>Not applicable</i>
Legal:	The Scrap Metal Dealers Act 2013 gives local authorities the power grant site and collector licences to scrap metal dealers. It allows the local authority to better regulate the industry by allowing them to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'.
Financial:	<ul style="list-style-type: none">• The fees will be reviewed after a year in October 2014 when the authority has a better idea of the number of applications received and the time taken to issue the licences. This may result in either a surplus or deficit based on the current fees, which can be carried forward.• The implications can then be considered as part of the annual budget setting process which includes a review of fees and charges.• The relatively low numbers of applications expected mean that the impact on resources of any of the assumptions being inaccurate is likely to be minimal.
Human Resource:	<i>Not applicable</i>
Risk Management:	Applications must be accompanied by a fee so if a figure is not set the local authority will not be able to carry out its statutory function. If the scheme of delegation is not approved then all decisions under the Act will have to be made by Executive with the subsequent time and cost implications.

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ESSENTIAL REFERENCE PAPER 'B'

SCRAP METAL DEALERS ACT 2013 Scrap Metal Licence fees

Scrap Metal Licences will be issued for a maximum period of 3 years following payment of the full fee. These fees are applicable from 1 October 2013 and will be subject to review, particularly for 2014/15 when it will become more obvious how many applications are likely to be processed each year. It is not anticipated there would be a significant difference between the amounts of time entailed to process site licences compared to collectors' licences but the number of compliance visits required is considered likely to be lower.

The fees have to be set taking into account statutory guidance issued by the Home Secretary, which reflects the Provision of Services Regulations 1990. Certain activities can not be recovered, such as enforcement in relation to unlicensed operators or the cost of appeals.

	Scrap Metal Site Licence	Scrap Metal Collectors Licence
Grant	£246.00	£222.50
Renewal	£182.70	£159.20
Variation	£43.50	£43.50
Name Change	£43.50	£43.50
Change Of Site	£43.50	Not applicable

Fees have been assessed as follows:

Activity	Comment	Cost of granting initial licences	Cost of renewing licences	Cost of variation/ changing name/ change of site
Preparation for and introduction of the scheme including publicity, development of processes and systems and preparation of Executive report	14 hours x Senior Specialist Licensing Officer 2 hours x Section Head 1 hour Head of Service Total £570 This total figure for this activity has then been divided between an estimated 9 applications.	£63.30	n/a	n/a
Dealing with enquiries about scheme over three year period	4 hours x Business Support Officer 6 hours x Senior Specialist Licensing Officer Total £260 This total figure for this activity has then been divided between an estimated 9 applications.	£28.90	£28.90	n/a
Processing application, conducting consultations, issuing licences over three years	2 hours x Business Support Officer Total £40 Assumed only one hour time for variations	£40.00	£40.00	£20.00
Visiting licence-holders for compliance checks over three years	3 visits for 1 hour each by Licensing Enforcement Officer for <u>site</u> licence.	£70.50	£70.50	£23.50
	2 visits for 1 hour each by Licensing Enforcement Officer for <u>collectors</u> licence.	£47.00	£47.00	n/a
	Changes to site may require 1 x visit for 1 hour			
Consideration of application for possible refusal or imposition of conditions	Consideration of 3 applications likely over a 3 year licence period. 6 hours x Senior Specialist Licensing Officer 3 hours x Licensing Officer 3 hours x Director of Neighbourhood Services	£43.30	£43.30	n/a

	<p>Total costs £390.00</p> <p>This total figure for this activity has then been divided between an estimated 9 applications. Considered unlikely to arise when dealing with changes of name etc.</p>			
TOTAL	Site licence	£246.00	£182.70	£43.50
TOTAL	Collectors licence	£222.50	£159.20	£43.50

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ESSENTIAL REFERENCE PAPER 'C'

SCRAP METAL DEALERS ACT 2013 DELEGATIONS

Matters to be dealt with	Executive	Director of Neighbourhood Services	Officers (Community Safety & Health Services – Licensing Team)
Fee Setting	✓		
Processing applications and supply of information to external agencies			✓
Inclusion of conditions under section 3(8)			✓
Refusal of licence		✓	
Variation to impose conditions on a licence under section 4		If the applicant requests the right to make representations	If the applicant declines to make representations
Revocation of Licence under section 4		✓	
Entry, inspection and compliance			✓

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MINUTES OF A MEETING OF THE
DISTRICT PLANNING EXECUTIVE PANEL
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON THURSDAY
3 OCTOBER 2013, AT 7.00 PM

PRESENT: Councillor M Carver (Chairman)
Councillors L Haysey and S Rutland-Barsby.

ALSO PRESENT:

Councillors P Ballam, E Buckmaster, S Bull,
K Crofton, G Jones, J Jones, G Lawrence,
M McMullen, P Moore, M Newman, T Page,
M Pope, P Ruffles, N Symonds and J Wing.

OFFICERS IN ATTENDANCE:

Martin Ibrahim	- Democratic Services Team Leader
Kay Mead	- Senior Planning Officer
Martin Paine	- Senior Planning Officer
Laura Pattison	- Assistant Planning Officer
Jenny Pierce	- Senior Planning Officer
Claire Sime	- Planning Policy Team Leader
Katie Simpson	- Planning Policy Officer
Brendan Starkey	- Assistant Planning Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Bryan Thomsett	- Planning Policy Manager

ALSO IN ATTENDANCE:

Andrea Gilmour	- Hertfordshire County Council
Jenny Hill	- Nathaniel Lichfield and Partners
Kate Ma	- Hertfordshire County Council

10 **RETAIL AND TOWN CENTRES STUDY UPDATE REPORT
(SEPTEMBER 2013)**

The Panel considered a report summarising the findings of the East Herts Retail and Town Centres Study Update, September 2013, which sought endorsement to use the Study to inform the preparation of the East Herts District Plan.

In 2008, the Council had commissioned Chase and Partners Consultants to undertake a Retail and Town Centres Study to audit the amount and type of retail across the District and to provide recommendations for an approach to planning for retail needs for the emerging Plan period. However, this Study had been undertaken just before the economic recession and had used a 2006 baseline when undertaking forecast calculations. As such, it no longer reflected the latest economic situation. Therefore, the 2013 Study Update, prepared by consultants Nathaniel Lichfield and Partners, provided an updated assessment of the current economic circumstances, using up-to-date baseline and expenditure evidence from which to provide more accurate forecasts.

The Panel noted that the full report was not yet available and therefore, was requested to consider an amended recommendation, whereby support for the Study Update to inform the preparation of the East Herts District Plan be delegated to the Head of Planning and Building Control Services, in consultation with the Executive Member for Strategic Planning and Transport.

Jenny Hill of Nathaniel Lichfield and Partners gave a presentation on the findings of the Study Update and answered Members' questions. Various comments were made in respect of the current economic vitality of town centres in the District and the recent national policy amendments permitting changes to any Use Class for two years.

The Panel supported the recommendation as now amended.

RECOMMENDED – that support for the East Herts Retail and Town Centres Study Update Report, September 2013, being used as part of the evidence base to inform and support the East Herts District Plan and for Development Management purposes in the determination of planning applications, be delegated to the Head of Planning and Building Control Services, in consultation with the Executive Member for Strategic Planning and Transport.

11 **STRATEGIC HOUSING MARKET ASSESSMENT UPDATE 2012 (MARCH 2013): LONDON COMMUTER BELT EAST SUB-REGION**

The Executive Member for Strategic Planning and Transport submitted a report setting out the key findings of the Strategic Housing Market Assessment (SHMA) Update 2012 (March 2013) technical study for the London Commuter Belt East Sub-Region, prepared by Opinion Research Services (ORS). He also sought approval to the study forming part of the evidence base to inform and support the preparation of the District Plan, and for housing strategy purposes.

The Panel was reminded that the purpose of the SHMA was to assess current and future housing demand and need across the plan area. It also needed to consider future demographic trends and identify the accommodation requirements of specific groups.

Importantly, the SHMA would also be used to inform decisions relating to affordable housing, tenure mix and the type and mix of houses that should be built in East Herts.

In 2008 East Herts Council had joined with Brentwood, Broxbourne, Epping Forest, Harlow and Uttlesford Councils, to form the London Commuter Belt East/M11 Sub Region partnership, and had appointed ORS to undertake a SHMA for the sub-region. The final SHMA report had been published in January 2010 and agreed by the Council in February 2010. As the original 2008 SHMA had covered the period 2007 - 2026, it was in need of updating to cover the plan periods of local authority partners, and changes in demographic and economic information and circumstances.

Various Members commented on the Council's affordable housing targets and the issue of viability for developers.

The Panel supported the recommendation as now detailed.

RECOMMENDED – that the Strategic Housing Market Assessment Update 2012 (March 2013): London Commuter Belt East Sub-Region, be supported as part of the evidence base to inform and support the preparation of the District Plan, and for housing strategy purposes.

12 DISTRICT-WIDE GREEN BELT REVIEW PART 1 (2013)

The Panel considered a report summarising the findings of the East Herts District-Wide Green Belt Review – Part 1 (September 2013), which sought endorsement to use the Review to inform the preparation of the East Herts District Plan. The purpose of the Review was:

- to address whether the District's objectively assessed need for development can be accommodated within the constraints created by

- the Green Belt; and
- to inform the strategy selection process of the District Plan.

Councillor G Jones questioned the traffic light assessment and whether some of the features cited as checking urban sprawl could be considered spurious, e.g. an administrative boundary. He also suggested that more vigour was needed in defining the difference between contribution and significant contribution. Officers undertook to take these comments on board in preparing Part 2 of the Review, which would be submitted to a later Panel meeting.

The Panel supported the recommendation as now detailed.

RECOMMENDED – that the East Herts District-Wide Green Belt Review – Part 1, September 2013, be supported as part of the evidence base to inform and support the East Herts District Plan.

13 **DISTRICT PLAN – UPDATE REPORT**

Consideration was given to a report setting out the progress towards finalisation of a development strategy for the District. The report provided an update to the Stepped Approach as set out in Essential Reference Paper 'B' of the report now submitted. The Panel also noted the updates in relation to Infrastructure, ATLAS and Planning Practice Guidance.

Kate Ma and Andrea Gilmour of Hertfordshire County Council (HCC) were in attendance to answer questions on HCC's response to demand for primary and secondary school places in the District.

Kate Ma reminded Members that, in respect of admissions, HCC's role was a commissioning one and could not direct admissions. She outlined the current position regarding schools provision in Bishop's

Stortford and the significant work undertaken on the potential for expansion on existing sites as well as potential future sites. The Panel noted that all the secondary schools in Bishop's Stortford managed their own admissions. She commented that the task was challenging, especially given the lack of capital to fund new places.

Various Members commented on the unsatisfactory information coming forward in respect of schools provision in Bishop's Stortford. The uncertainty relating to the Bishop's Stortford North applications was also discussed. The Panel Chairman emphasised the need for any housing development that might come forward in any part of the District to be sustainable.

In respect of Essential Reference Paper 'C' of the report submitted, the Panel noted that the reference to "safeguarded" dwellings in the Buntingford section should be deleted. Councillor S Bull questioned the narrative in this section and commented that a robust Town Plan existed.

In response to Members' comments and questions on funding, Kate Ma referred to the Primary Expansion Programme and the importance of Section 106 funds. However, total funding was insufficient to achieve everything that was needed.

Whilst acknowledging HCC's difficulties, Members expressed concern that key infrastructure could not be delivered, thus impacting on the District Council's ability to progress its District Plan. The Panel Chairman summed up the District Council's view as looking to HCC urgently to provide a more robust position.

The Panel was requested to consider an amended recommendation (A) to reflect an urgent ongoing commitment to joint working with HCC.

The Panel supported the recommendations as now

detailed.

RECOMMENDED – that (A) the latest evidence supplied by Hertfordshire County Council in relation to schools planning, be noted, and an ongoing commitment to urgent joint working be supported;

(B) the proposed approach to the preparation of an Infrastructure Topic Paper, followed by an Infrastructure Delivery Plan based on a specially commissioned delivery study, be supported; and

(C) the latest national guidance, including that in relation to the importance of meeting housing needs within each housing market area, be noted.

14 **DEVELOPER/LANDOWNER QUESTIONNAIRES AND ATLAS MEETINGS**

The Executive Member for Strategic Planning and Transport submitted a report setting out actions taken to date to obtain pertinent information from relevant landowners/ developers/ agents with an interest in land in the shortlisted Areas of Search to establish deliverability. It also sought approval for the information received forming part of the evidence base to inform and support the preparation of the District Plan.

Details of the questionnaire responses were set out at Essential Reference Paper 'B' of the report submitted. In respect of the meetings between ATLAS and representatives of land submissions at various locations detailed at paragraph 2.12 of the report submitted, Officers advised that in respect of part of Area of Search 61, Hatfield Estate (26/004), the seeking of additional information had previously been anticipated to be undertaken via a telephone conversation, but would now be subject to a meeting. The notes of the meeting would be added to the website in due course.

The Panel supported the recommendation as now detailed.

RECOMMENDED – that the responses to the Developer Questionnaires (including subsequent information supplied), and the meeting notes between ATLAS and developers and/or their representatives, be supported as part of the evidence base to inform and support the preparation of the District Plan.

15 **CHAIRMAN'S ANNOUNCEMENTS**

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

He reiterated the role of the Panel in the District Plan process and emphasised that only Council could agree the final District Plan. He referred to the ongoing progress of the informal Member working group and advised that Members would receive communication in the next week on individual topic headings, which would be considered at the next Panel meeting on 18 November 2013.

The Panel Chairman provided a further reminder of the all day workshop session on 24 October 2013 being facilitated by the Planning Advisory Service and urged those Members who had yet to do so, to advise Officers to confirm their attendance.

16 **MINUTES**

RESOLVED – that the Minutes of the Panel meeting held on 25 July 2013, be approved as a correct record and signed by the Chairman.

17 **DECLARATIONS OF INTERESTS**

The Panel Chairman asked Members to note that he was the Chairman of Hertford Regional College and a board member

of South Anglia Housing Association.

Councillor T Page asked the Panel to note that his wife was a member of Bishop's Stortford Golf Club.

18 DATE OF NEXT MEETINGS

RESOLVED – that the dates of meetings to be held on 18 November and 3 December 2013, be noted.

The meeting closed at 9.22 pm

Chairman

Date

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