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## **Overview & Scrutiny Panel (Environmental Well-Being)**

**Report of the meeting held on 13th November 2012**

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### **Matters for Information**

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#### **26. THE HOUGHTON AND WYTON CONSERVATION AREA CHARACTER ASSESSMENT AND BOUNDARY REVIEW**

The Panel has been acquainted with the Houghton and Wyton Conservation Area Character Assessment and Boundary Review. Members have been advised that the Character Assessment and Boundary Review had been produced in compliance with an undertaking given to Houghton and Wyton Parish Council and when adopted would provide a comprehensive coverage of green space in the Ouse Valley. The Panel has congratulated Officers on the quality and high standard of the documents. Members have drawn attention to the fact that the size of the Conservation Area will increase by 30%.

Members have discussed a suggestion that Area 2 of the map at Appendix 4 should be included in the Conservation Area. The Head of Planning and Housing Strategy drew attention to the fact that an appraisal had indicated that the area does not meet the Conservation Area criteria. It was explained that, as a result, its inclusion might undermine the validity of the Character Assessment. Members have been assured that the Conservation Area Character Assessment is needed to reinforce the Urban Design Framework (UDF). If the UDF is implemented, Area 2 will be of a standard that will make it eligible for inclusion in the Conservation Area. A Member has argued that, in this case, the opportunity should be taken to include it at this stage. However, given that this might undermine the ability of the Conservation Area Character Assessment to withstand a legal challenge, it has been accepted that this matter should be re-visited when the obstacles to its inclusion have been removed.

The Panel has recommended that the Cabinet adopt the revised Houghton and Wyton Conservation Area Character Assessment and Conservation Area Boundary Review and re-visit the inclusion of Area 2 in the Conservation Area at the appropriate time.

#### **27. CONTROLLED WASTE REGULATIONS**

The Panel has considered a report on changes introduced by the Controlled Waste Regulations 2012. Members have been advised that the Regulations have revised the premises which are exempt

from a charge for waste disposal. The District Council collects waste from a number of premises, which have previously been exempt from charges but the County Council has decided to levy a fee for the disposal of that waste. However, Members have been assured that those who have been Council customers since before April 2012 will continue to benefit from free waste disposal. In discussing the service currently offered by the Council, the Panel has considered the possibility of offering and promoting an enhanced trade waste service as a means of generating income for the Authority. It is argued that there will be a marginal cost of providing such a service as the Council already has waste collection rounds in place. Furthermore, the principle of competing in commercial sectors has been established in areas such as leisure. Given the financial pressures on the Council, it has been suggested that the development of the trade waste service should be investigated.

The Panel has recommended that the Cabinet give approval for the recovery of the full cost of disposal from those premises previously exempt from the charge, except where they continue to be exempt under the County Council's local policy.

**28. THE CONTRIBUTION OF AGRICULTURE TO THE ENVIRONMENT AND THE ECONOMY IN THE CONTEXT OF PLANNING POLICIES**

Following discussion with the Head of Planning and Housing Strategy, the Panel has approved for submission to the Cabinet, the final report of the Working Group looking at the contribution of agriculture to the environment and the economy in the context of planning policies.

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**Other Matters of Interest**

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**29. OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING) PROGRESS**

The Panel has reviewed its programme of studies at each of its meetings. Having regard to their previous interest in the subject, Members have been informed that an evaluation has not yet taken place on the effectiveness of stickers on wheeled bins in deterring speeding in Hilton. At the suggestion of a Member, contact will be made with Hilton Parish Council in order to gain an understanding of the present situation.

With regard to the drainage study, it has been reported that the Council is continuing to work with Anglian Water to resolve outstanding problems in Yaxley. An assessment will now be made of work already carried out and that still required.

The Chairman has apprised Members of a suggestion by Godmanchester Residents Against Bearscroft that the Panel should scrutinise the Council's approach to the proposed development of land at Bearscroft Farm, Godmanchester. A range of matters have

been proposed for investigation. Councillor C R Hyams also has made a submission on the proposed study. Owing to the fact that a valid current planning application has already been received, advice has been obtained from the Council's Head of Legal and Democratic Services on whether the Panel could reasonably and legitimately involve itself in this matter at the present time. He has stated that the matters raised principally relate either to planning issues and the weight that should be accorded to them or to the Council's procedures. In his view, planning issues should be considered as part of the applicable planning processes and it is for Planning Officers and the Development Management Panel to decide what they consider to be material planning considerations and to determine the weight to be accorded to them. It is not appropriate for Overview and Scrutiny to be considering these issues or expressing their views on them. With regard to any argument that the Council has not followed due process, then the normal route of challenge is through the Courts, as had happened in other areas. Considering process matters whilst there is still a possibility of judicial challenge, seems to be premature and although ultimately this is a matter for the Panel, if it is minded to look in to the matter, he considers a more appropriate time to do this would be following the determination of the application and the expiry of any period for legal challenge.

Head of Planning and Housing Strategy has reiterated that the determination of the planning application is the responsibility of the Development Management Panel. He has advised that all planning matters relating to Bearscroft Farm will be fully considered in due course. Furthermore, as part of that process, interested parties will have the opportunity to address the Development Management Panel at the appropriate time. Members have accepted that they have to be mindful not to pre-empt the Development Management Panel's decision. In that, light it has been decided that this matter should not be pursued at the present time but that it might be revisited if appropriate once the formal determination process has been completed and the period for any legal challenge has expired.

### **30. WORKPLAN**

The Panel has reviewed the Programme of Studies being undertaken by the other Overview and Scrutiny Panels. A Member has questioned the outcome of the pilot Norman Cross Local Joint Committee meeting. Given the lack of clarity surrounding the future of Neighbourhood Forums, Members have requested sight of the Overview and Scrutiny (Social Well-Being) Panel's report reviewing Neighbourhood Forums in Huntingdonshire.

### **31. SCRUTINY**

The Panel has considered the latest Edition of the Decision Digest and discussed the matters contained therein.

D Harty  
Chairman