



DISTRICT PLANNING EXECUTIVE PANEL - 22 OCTOBER 2014

12. Draft District Plan Chapters 20-25: Response to Issues Raised During Preferred Options Consultation and Draft Revised Chapters (Pages 3 - 26)

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District Planning Executive Panel

October 22nd 2014

Council Chamber, Wallfields

Proposed Addendum to:

Essential Reference Paper C: Issues Report – Chapter 21 Heritage Assets

Since the publication of the Panel papers we have discovered that there has been an error in printing which has resulted in the loss of page 485 of the paper pack. Rows 21.13 to 21.15 are therefore not included in the paper pack. The electronic version is free of this error.

Regardless of this missing page, this addendum proposes a few minor alterations to this page.

We have received a letter from the Bishop's Stortford Museums Trust which queries the officer response to issues they raised regarding the storage of materials uncovered during excavation. It is therefore proposed to make minor alterations to paragraph 21.3.3 and part II of Policy HA3. These changes are shown in row 21.14.

Subsequent rows therefore move down onto the following page, so the A3 sheet attached shows all of the missing rows straddling two pages.

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Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
Introduction				
21.1	21.1.1	Opening statement should read 'The District is... and buried remains of significant <i>archaeological and</i> historic interest.'	Agreed.	Amendment to text (para 21.1.1): The District is... and buried remains of significant <u>archaeological and</u> historic interest.
Heritage Assets				
21.2	21.2.1	The clear statement made in paragraph 21.2.1 concerning the valuable contribution made by heritage assets to the economic and social wellbeing of the District is welcomed.	Support noted and welcomed.	No amendment in response to this issue
21.3	21.2.2	Figures cited should be updated to reflect the HER records which contain: 'Over 40 Scheduled Sites (43), 550 Areas of Archaeological Significance in the District.' The figures cited in Chapter 2 (2.2.7) should also be revised.	Agreed.	Amendment to text (para 21.2.2): <ul style="list-style-type: none"> - Over 30<u>40</u> Scheduled Monuments - Nearly 3,100 Listed Buildings - 42 Conservation Areas - 450<u>550</u> Areas of Archaeological Significance
21.4	21.2.4	Add the word 'and' to second sentence: 'The Council will monitor the condition of heritage assets AND publish...'	Agreed. <u>It is also worth adding an information box to provide a web link to the English Heritage Buildings at Risk Register.</u>	Amendment to text (para 21.2.4): The Council will monitor the condition of heritage assets <u>and</u> publish a heritage at risk register...

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				Further information on the English Heritage Buildings at Risk Register is available on the English Heritage website at: http://risk.english-heritage.org.uk/register.aspx
21.5	HA1	Add 'designated' to title.	Agreed.	Amendment to policy: HA1 <u>Designated</u> Heritage Assets
21.6	21.2.5	The Hertfordshire Historic Environment Record (HER) recommends that it is referenced as the key historic environment source as indicated by NPPF guidance and should be cited as a primary source of information and good practice concerning the identification of heritage assets.	It is agreed that the HER is a source of local knowledge and information. Details to be added to the Plan.	Amendment to text (orange box following para 21.2.5): Further information on local heritage assets is available on the Hertfordshire Historic Environment Record website: http://www.hertsdirect.org/services/envplan/archaeology/sites/
21.7	HA2	If there is a non-designated heritage asset lists, it should be referred to here.	No list exists as such. However non-designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking. Additional wording suggested to paragraph 21.2.5.	Amendment to text (para 21.2.5): <u>Non-designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking.</u>

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
21.8	HA2	<p>NPPF guidance states that undesignated heritage assets are of equivalent significance to designated sites and should be treated in the same way.</p> <p>It is recommended that a further policy statement within HA1 should make this clear, as there are a number in EH that are worthy of national designation consideration.</p>	<p>It is considered that HA2 II statement aims to mitigate any harm to currently non-designated heritage assets. Also 21.2.5 identifies that non-designated assets can be identified by the LPA if they are considered to be of local significance. Therefore it is considered that the existing policies already support the importance of non-designated assets.</p>	No amendment in response to this issue
Archaeology				
21.9	21.3.2	<p>There is a concern that further clarification is necessary on potential Areas of Archaeological Significance (AAS) as it may cause difficulties for EH and HCC. A re-wording is suggested to include this statement:</p> <p><i>'AASs are places within the District that are deemed to be of moderate or high archaeological potential, based on evidence from known heritage assets (buildings, sites, features and finds) held by the HER. This does not mean that areas outside the AASs are without archaeological potential. From time to time alterations to existing AASs, or identification of new AASs will be required based on new data or understanding of significance. Planning Policy does not necessarily prevent new development within AASs. Each application is assessed in the light of its size, position and design to determine the likely level of impact on the historic environment, and what, if any, mitigation is required.'</i></p>	<p>Agreed in part. Proposed clarification is helpful. The final sentence is however already covered in paragraph 21.3.3.</p>	<p>Amendment to text (para 21.3.1):</p> <p><u>Areas of Archaeological Significance (AAS) are places within the District that are deemed to be of moderate or high archaeological potential, based on evidence from known heritage assets (buildings, sites, features and finds). Alterations to existing AAS or identification of new AAS may be required based on new data or understanding of significance.</u></p>
21.10	21.3.2	<p>It is recommended that the HER be stated as the point of reference for pre-application archaeological advice. And that the HER form part of the definition</p>	<p>Agreed.</p>	<p>New Information Box (following para 21.3.2):</p> <p><u>The Hertfordshire Historic</u></p>

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		of the information that to be included in a desk based assessment.		<p><u>Environment Record (HER) is a computerised record of Hertfordshire's historic environment. It contains information on historic buildings, archaeological remains, historic sites and military remains. The HER can be used to identify significant historic remains and finds. It also contains information on surveys and archaeological excavations undertaken in Hertfordshire.</u></p> <p><u>Further information can be found from their website:</u> http://www.hertsdirect.org/services/envplan/archaeology/sites/</p>
21.11	21.3.2	It is considered that this statement should be added to better reflect the NPPF paragraph 169 on heritage assets and the discovery of heritage assets. 'When applications are submitted for proposals affecting any heritage asset the applicant must clearly explain what the proposal is for and provide sufficient detail to allow for an informed decision to be made.'	It is considered that this requirement has sufficiently been covered in 21.3.2 for areas of archaeological significance and policies HA1 and HA2 deal with designated and non-designated heritage sites.	No amendment in response to this issue
21.12	21.3.2	<p>A statement is welcomed to outline the archaeological interest of a site can be 'actual or potential'. It is however important to stress that 'character, extent and relative quality of a potential archaeological resource' cannot be ascertained without an archaeological field evaluation, since by its very nature, it is buried and invisible.</p> <p>Due to the fact that archaeological remains are</p>	Agreed.	<p>Amendment to text (para 21.3.2):</p> <p>If features are present then a A field evaluation may also be necessary to define their character, extent and relative quality so that their worth may be assessed in local, regional and national contexts.</p>

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		predominantly underground, 'If features are present' should be deleted and replaced with: 'A field excavation may also be necessary to define their character, extent and relative quality so that their worth may be assessed in local, regional and national contexts'.		
21.13	21.3.3	Recommend the addition of a further requirement within this section which reflects the NPPF guidance, and ensures that funding is secured for the deposition, storage, care and accessibility of archaeological archives, via Section 106 Agreements or Planning Conditions.	It is considered that paragraph 21.3.3 appropriately deals with securing funding for these purposes through either Section 106 Agreements or planning conditions.	No amendment in response to this issue
21.14	21.3.3	Issues raised around the funding for collecting and storing of archaeological artefacts following excavations taking place on development sites. Many local museums are already overcrowded and concerned that the loss of archaeological remains will be detrimental to the community. Clause 141 from the NPPF has been referred to that states there is a requirement for archives to be deposited in a local museum or depository, therefore it is requested that the District Plan identifies that the Section 106 agreement should designate 75% of allocated funds to be paid upon implementation and 25% as contingency depending upon what is found and needs storing. Furthermore, it is requested that museums or depositories are informed at the start of archaeological work to allow time for storage.	It is considered that paragraph 21.3.3 and HA3 II appropriately deals with the recording and publication of potential archaeological remains. <u>However, it is proposed to add additional text to both this paragraph and Policy HA3 to reflect the need to consider storage as appropriate.</u> Any funding secured through Section 106 Agreements will be dealt with on a case by case basis.	No amendment in response to this issue Amendment to text (Para. 21.3.3 and Policy HA3) 21.3.3 ... This secures excavation <u>and recording</u> and publication of information prior to development starting <u>and subsequent storage of material.</u> Where planning permission is given, conditions may be attached... Policy HA3 Part II. II. Where development is permitted on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development <u>and the subsequent storage of material.</u>

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
21.15	HA3	The use of Article 4 Directions regarding the removal of permitted development rights is a useful and an appropriate instrument in the management of heritage assets. Recommend that the LPA includes this measure in the draft Plan	Not agreed. Policies HA1, HA2 and HA4 sets out appropriate arrangements for the management of heritage assets	No amendment in response to this issue
21.16	HA3 II	This should include the provision for the preservation and enhancement of features of known archaeological interest, the appropriate archaeological investigation of such remains prior to development, and the analysis and publication of the results of such investigations.	It is considered that paragraph 21.3.3 and HA3 II appropriately deals with this.	No amendment in response to this issue
Conservation Areas				
21.17	21.4	Section 21.4 should make clear that Landscape can also be a heritage asset.	Paragraph 21.2.1 sets out that heritage assets include a building, monument, site, place, area or landscape.	No amendment in response to this issue
21.18	21.4.2	21.4.2 could be amended to "The special interest of an area can derive from a combination of characteristics, such as the historic street pattern, traditional or notable building styles, or landscape features."	Agreed.	Amendment to text (para 21.4.2): The special interest of an area can derive from a combination of characteristics, such as the historic street pattern, and traditional or notable building styles, <u>or landscape features</u> .
21.19	21.4.5	Typo 'Conservation Area' not Conservations	Agreed	Amendment to text (para 21.4.5): Within the plan period consideration will be given to further areas which may merit designation as Conservations Areas...
21.20	HA4	Issue raised concerning existing development in Conservation Areas. HA4 conforms to the Conservation Area Appraisal, it is suggested that the	This issue is raised with reference to a particular site.	No amendment in response to this issue

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		policy should include a caveat at the end of HA4, to state: 'unless proposals can justify a departure from the Appraisal based on detailed evidence and evaluation.' The Conservation Area Appraisal is argued to be too prohibitive of development in existing development where open spaces, views and vistas are protected against further/future development. This is written in particular about Bishop's Stortford College.	It is however considered entirely reasonable to require conformity with relevant Conservation Area Appraisals. No change is therefore proposed in response to this issue.	
21.21	HA4	Policy HA4 is supported as it seeks to maintain the importance of retaining the historical character and setting of such areas.	Support noted and welcomed.	No amendment in response to this issue
21.22	HA4	Concern that the terms 'preserve' meaning no change and 'enhance' meaning change, conflict with NPPF guidance where 'conserve' is used meaning to protect from harm. A suggested re-wording is provided: "New development or extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they conserve or enhance the character or appearance of the area, or better reveal its significance."	Agreed.	Amendment to Policy HA4 I: I. New development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve conserve or enhance the established character or appearance of the area...
21.23	HA4	Definition of the word 'setting' in Chapter 21 should be defined and illustrated by NPPF definition to make it clear how the impact of a development proposal on the setting of a heritage asset and in Conservation Areas will be assessed.	The definition of 'setting of a historic asset' is set out in the glossary.	No amendment in response to this issue
21.24	HA6	The inclusion of the advertisement policy in Conservation Areas is welcomed.	Support noted and welcomed.	No amendment in response to this issue

Issue Number	Policy/Paragraph Number	Issue	Officer Response	Proposed Amendment
21.25	HA6 (b)	Comment that illumination should be externally illuminated only.	Not agreed. It is considered that external illumination may have a detrimental effect upon the quality of a Conservation Area.	No amendment in response to this issue
Historic Parks and Gardens				
21.26	21.6.1	The Nun's Triangle in Ware, adjoining the A10 is designated under an area tree preservation and as an historic park & garden. This has not been properly maintained by the owners over some time and as correctly stated in the DDP at 21.6.1 this should not inhibit the desire to retain the amenity, managed properly for the benefit of the community.	Noted.	No amendment in response to this issue
21.27	HA8	A more assertive statement should be made to identify those historic parks and gardens are retained and not available for development.	HA8 is clear that development proposals that materially harm the special historic character, appearance or setting of sites listed on the English Heritage 'Register of Historic Parks and Gardens' will not be permitted. The same level of protection also applies to other locally important sites.	No amendment in response to this issue
21.28	HA8	Support the inclusion of Policy HA8, concerning the protection of both nationally important and locally important historic parks and gardens.	Support noted and welcomed.	No amendment in response to this issue

21 Heritage Assets

21.1 Introduction

21.1.1 The District is fortunate in having a rich and varied historic environment, which includes landscapes, sites, buildings and townscapes, and buried remains of significant archaeological and historic interest.

21.2 Heritage Assets

21.2.1 Heritage assets make a valuable contribution to the areas economic and social wellbeing. Heritage assets include a building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets and non-designated assets identified by the local planning authority.

21.2.2 The District Council recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Heritage assets in East Herts include:

- Over ~~30~~ 40 Scheduled Monuments
- Nearly 3,100 Listed Buildings
- 42 Conservation Areas
- ~~450~~ 550 Areas of Archaeological Significance
- 15 Registered Parks and Gardens of Special Historic Interest
- 59 Locally Listed Historic Parks and Gardens

21.2.3 Not all designated heritage assets are identified under the Planning Acts, for example, scheduled monuments are designated in separate legislation. Nonetheless, planning has a role to ensure that new development does not adversely affect these assets.

21.2.4 The long-term management of heritage assets is essential and where inadequate measures are taken to maintain heritage assets such neglect may result in an asset falling

into disrepair. The Council will monitor the condition of heritage assets and publish a heritage at risk register alongside the register published annually by English Heritage. Regular monitoring is necessary in order to prevent the decline in condition of the District's heritage assets.

[Further information on the English Heritage Buildings at Risk Register is available on the English Heritage website at: http://risk.english-heritage.org.uk/register.aspx](http://risk.english-heritage.org.uk/register.aspx)

Policy HA1 Designated Heritage Assets

I. Development proposals should protect and enhance the historic environment of East Herts.

II. Development proposals that would harm the significance of a designated heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

III. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset will not be taken into account in any decision.

IV. The Council will, as part of a positive strategy, pursue opportunities for conservation and enjoyment of the historic environment recognising its role and contribution in achieving sustainable development.

21.2.5 In addition to those heritage assets that are statutorily protected, non-designated assets can be identified by the Local Planning Authority if they are considered to be of local significance. Significance refers to the value of a historic asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from the heritage asset's physical presence, but also its setting. Significance will be measured in terms of how the asset meets the following five criteria:

- Rarity

- Representativeness
- Aesthetic appeal
- Integrity
- Association

Non-designated heritage assets are being identified through the Conservation Area Appraisal work that the Council is currently undertaking.

Further information and good practice on the identification of non-designated heritage assets is available on the English Heritage website at: www.english-heritage.org.uk

Further information on local heritage assets is available on the Hertfordshire Historic Environment Record website: <http://www.hertsdirect.org/services/envplan/archaeology/sites/>

21.2.6 The following policy therefore seeks to ensure that the value and significance of the district's non-designated heritage assets are protected so that they continue to contribute to the richness of the district's historic environment and inform future development.

Policy HA2 Non-Designated Heritage Assets

I. The Council will engage with local communities to identify undesignated heritage assets that contribute to local distinctiveness and refer to existing information in the historic environment record.

II. Where a proposal would adversely affect a non-designated heritage asset, regard will be had to the scale of any harm or loss and the significance of the heritage asset.

21.3 Archaeology

21.3.1 Archaeological remains are a fragile and finite resource. Appropriate management of archaeological remains is essential to ensure they survive in good condition and are not needlessly or thoughtlessly destroyed. Areas of Archaeological Significance (AAS) are places within the

District that are deemed to be of moderate or high archaeological potential, based on evidence from known heritage assets (buildings, sites, features and finds). Alterations to existing AAS or identification of new AAS may be required based on new data or understanding of significance.

- 21.3.2 Where a site has potential archaeological interest (whether scheduled or unscheduled) a desk based assessment will be required. This should be based on the collation of existing written and graphic information, in order to identify the likely character, extent and relative quality of the actual or potential archaeological resource. ~~If features are present then~~ A field evaluation may also be necessary to define their character, extent and relative quality so that their worth may be assessed in local, regional and national contexts.

The Hertfordshire Historic Environment Record (HER) is a computerised record of Hertfordshire's historic environment. It contains information on historic buildings, archaeological remains, historic sites and military remains. The HER can be used to identify significant historic remains and finds. It also contains information on surveys and archaeological excavations undertaken in Hertfordshire.

Further information can be found from their website: <http://www.hertsdirect.org/services/envplan/archaeology/sites/>

- 21.3.3 The case for preservation will be assessed on the merits of the individual application. In cases where preservation in situ would not be required, developers may be asked to enter into a Section 106 Agreement before planning permission is given. This secures excavation, and recording ~~and publication~~ of information prior to development starting and subsequent storage of material. Where planning permission is given, conditions may be attached to the grant of permission to ensure that excavation and recording is carried out before development work starts, and to ensure that a 'watching brief' is maintained while work progresses.

- 21.3.4 Areas of Archaeological Significance, including potential areas, are identified on the Policies Map. The sites are correct at the time of publication of the District Plan but may

be subject to change through future reviews. The Council will refer to the most up-to-date position.

Policy HA3 Archaeology

I. Where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled), applicants should submit an appropriate desk based assessment and, where necessary, the results of a field evaluation prior to the submission of an application.

II. Where development is permitted on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the subsequent storage of material.

21.4 Conservation Areas

21.4.1 Since 1968 local authorities have been able to designate Conservation Areas. Conservation Areas can be designated if they are of special historic or architectural interest, the character and appearance of which it is desirable to preserve or enhance.

21.4.2 There is no standard specification for Conservation Areas. The special interest of an area can derive from a combination of characteristics, such as the historic street pattern, and traditional or notable building styles, or landscape features. Important to all Conservation Areas is the visual 'quality of place' they possess. This aspect principally results from the way in which the buildings and spaces relate to each other, together with the inherent quality of the buildings and other structures.

21.4.3 The District Council has commenced a programme of Conservation Area appraisal work to identify and document what factors are considered to make up the special character of these areas. These documents also include management

proposals to ensure the continued enhancement of these areas.

21.4.4 In order to protect their special environment, stricter controls over demolition, works to trees and new development apply within Conservation Areas. These controls are not intended as a hindrance to change, but as a positive management tool to safeguard the character of the area as a whole.

21.4.5 The district's Conservation Areas are identified on the Policies Map. Within the plan period consideration will be given to further areas which may merit designation as Conservation Areas and to the review of existing Conservation Area boundaries.

Policy HA4 Conservation Areas

I. New development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they ~~preserve~~ conserve or enhance the established character or appearance of the area. Development proposals outside a Conservation Area which affect its character and setting will be considered likewise. Proposals will be expected to:

- (a) Respect established building lines, layouts and patterns;
- (b) Use materials and adopt design details which are traditional to the area;
- (c) Be sympathetic in scale, proportion, form, height and overall character to the surrounding area;
- (d) In the case of alterations and extensions, be complementary and sympathetic to the parent building; and
- (e) Conform to any 'Conservation Area Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's significance, including important views and green spaces.

II. Consent for demolition will only be granted if the building or structure makes no positive contribution to the character of the Conservation Area.

21.4.6 In the district's town centres, frontages to shops and commercial premises play a key role in defining the character and quality of the Conservation Areas. The Council is therefore keen to ensure that a high quality environment is maintained, consistent with commercial and economic considerations. The introduction of unsympathetic advertisements can compromise the quality of the environment. Signage and lighting must therefore be sensitive to the character of these areas. For example, poster boarding are seldom appropriate in Conservation Areas.

Policy HA5 Shopfronts in Conservation Areas

I. Proposals for new shop front or commercial premise frontage or alterations to existing ones will be permitted where the proposed design is sympathetic to the scale, proportions, character and materials of the structure, adjoining buildings and the street scene in general.

II. Shop fronts of architectural or historic interest shall be retained and repaired as necessary.

III. Security features should be designed in a sensitive manner which respects the overall character of the frontage and location, facilitates natural surveillance and maintains an attractive street scene. The use of architectural solutions combined with the use of an internal open lattice grille is preferred. Alarm boxes should be of a discreet colour and size, located carefully in relation to the elevation of the building, whilst being obvious enough to deter an intruder.

Policy HA6 Advertisements in Conservation Areas

Where express consent is required within Conservation Areas the District Council will only accept advertisements where they:

(a) Are either painted or individually lettered in a suitable material of an appropriate size and design in relation to the building or fascia upon which they are to be displayed;

- (b) Are preferably non-illuminated. Where illumination is proposed as necessary it should be discreet in size and of a minimum level;
- (c) Are of a traditional fascia or hanging type; and
- (d) Are of an appropriate size necessary to convey their message.

21.5 Listed Buildings

- 21.5.1 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a statutory duty to compile Lists of Buildings of Special Architectural or Historic Interest for the whole country.
- 21.5.2 The 'National Heritage List for England' identifies those buildings which are of special interest and gives the Council extra powers to protect them, as well as imposing extra responsibilities on their owners.

English Heritage maintains the list of properties and structures (including their descriptions and location maps) which can be accessed from their website at: www.english-heritage.org.uk/

- 21.5.3 Listed buildings of special architectural or historic interest must be sensitively repaired and improved, using traditional materials and techniques. Appropriate new uses should be found for them in order to secure their future survival. Demolition will not normally be allowed. Alterations/additions to listed buildings require the greatest skill and care, in order to avoid damage to the intrinsic character of the buildings themselves, including interiors and fixtures, and to their setting. Similarly, new development affecting a listed building must be sympathetically designed, so as not to harm the listed building's historic integrity and identity. The use of legal powers will be considered where listed buildings are at risk from wilful neglect, long-term dereliction or abandonment.
- 21.5.4 'Listed building consent' is required from the District Council for any works that affect a building's special character. The listing of a building is intended to ensure that it will be conserved in accordance with its significance. However, alterations and improvements can be made where they are compatible with the special architectural or historic interest of

the building. The designation allows changes to be carefully scrutinised when a planning application is made. To support applicants the Council has produced a series of guidance notes on the preservation and repair of historic materials and buildings.

The East Herts guidance notes on the preservation and repair of historic materials and buildings can be viewed and downloaded from the Council's Website at: www.eastherts.gov.uk/conservationandheritage

Policy HA7 Listed Buildings

I. The Council will actively seek opportunities to sustain and enhance the significance of Listed Buildings and ensure that they are in viable uses consistent with their conservation.

II. In considering applications the Council will ensure that proposals involving the alteration, extension, or change of use of a Listed Building will only be permitted where:

(a) The proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and

(b) The proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

III. Proposals that affect the setting of a Listed Building will only be permitted where the setting of the building is enhanced.

21.6 Historic Parks and Gardens

21.6.1 Historic parks and gardens are a fragile and finite resource: they can easily be damaged beyond repair or lost forever. They are an important part of the heritage and environment of the district. They comprise of a variety of features: the open space; views in and out; the planting; water features; built features and archaeological remains. There is a need to protect such sites and their settings from new development which would destroy or harm the historic interest.

21.6.2 The English Heritage 'Register of Historic Parks and Gardens of special historic interest in England' was established in 1983 and currently identifies over 1,600 sites assessed to be of national importance. Fifteen of these are in the district and are identified on the Policies Map.

The 'Register of Historic Parks and Gardens of special historic interest in England' can be viewed and downloaded at: www.english-heritage.org.uk

21.6.3 The main purpose of this Register is to celebrate designed landscapes of note, and encourage appropriate protection. It is hoped that by identifying sites in this way, their value and significance will be conserved and enhanced both by those those who own them, and others who have a role in their protection and their future.

21.6.4 The registration of designed landscapes does not entail additional planning controls but does make these assets a 'material consideration' in the planning process, meaning that planning authorities must consider the impact of any proposed development on the landscape's special character. The Council will through its planning role promote conservation and public appreciation of the District's designed landscapes.

21.6.5 In addition to those parks and gardens on the Register, the Hertfordshire Gardens Trust has also compiled a list of other locally important sites in the district. These are considered by the District Council to be of sufficient quality to warrant appropriate preservation and protection when considering development proposals under the following policy.

21.6.6 Further information, including a list of locally important parks and gardens, can be found in the Council's 'Historic Parks & Gardens' Supplementary Planning Document (September 2007).

The 'Historic Parks & Gardens' Supplementary Planning Document (September 2007, or as amended) can be viewed and downloaded at: www.eastherts.gov.uk/historicparksandgardensspd

Policy HA8 Historic Parks and Gardens

I. Development proposals that materially harm the special historic character, appearance or setting of those sites listed on the English Heritage 'Register of Historic Parks and Gardens' will not be permitted. The same level of protection will be afforded to other locally important sites.

II. Where appropriate, the District Council will actively encourage proposals for the repair, restoration and management of historic parks and gardens.

21.7 Enabling Development

21.7.1 Enabling development is the means of securing the long-term future of a significant place when conservation through development in compliance with policy cannot do so.

21.7.2 The vast majority of significant places survive because they are capable of beneficial use. Their maintenance is justified by their usefulness to, and appreciation by, their owners, not just value in the property market, either in their own right or as part of a larger entity. An historic garden, for example, normally adds to the amenities and value of a house. The problem that enabling development typically seeks to address occurs when the cost of maintenance, major repair or conversion to the optimum viable use of a building is greater than its resulting value to its owner or in the property market. This means that a subsidy to cover the difference – the 'conservation deficit' – is necessary to secure its future.

21.7.3 The scale and range of enabling development can vary greatly. Whilst often associated with residential development

to support the repair of a country house, it can include, for example, an extension acceptable in historic building terms, but exceeding the maximum size permitted under plan policies for the rural area.

Detailed guidance on how an applicant might make an enabling development application is set out in English Heritage's guidance on 'Enabling Development and the Conservation of Significant Places', which can be viewed and downloaded at: www.english-heritage.org.uk

Policy HA9 Enabling Development

I. Proposals for enabling development will be assessed in accordance with the English Heritage's latest guide on 'Enabling Development and the Conservation of Significant Places'.

II. Enabling development which would secure the future of a significant place, but would be contrary to other planning policy objectives, should be unacceptable unless:

(a) The benefits of a proposal for enabling development, which would secure the future conservation of a significant place, outweigh any public harm or loss consequent upon conflicts with and the departure from other District Plan policies;

(b) The proposal does not materially detract from the archaeological, architectural, historic, artistic, landscape or nature conservation of the site or its setting;

(c) The proposal avoids detrimental fragmentation of management of the place;

(d) The proposal is necessary to resolve problems arising from the inherent needs of the place;

(e) Sufficient subsidy is not available from any other source; and

(f) It is clearly demonstrated that the proposal is the minimum necessary to ensure the future of the site.

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