

EAST HERTS COUNCIL

EXECUTIVE - 6 SEPTEMBER 2016

REPORT BY EXECUTIVE MEMBER FOR DEVELOPMENT
MANAGEMENT AND COUNCIL SUPPORT

HERTINGFORDBURY CONSERVATION AREA APPRAISAL
AND MANAGEMENT PLAN

WARD(S) AFFECTED: HERTFORD CASTLE

Purpose/Summary of Report

- To enable Members to consider the Hertingfordbury Conservation Area Appraisal and Management Plan following further public consultation and reconsideration.

<u>RECOMMENDATIONS FOR EXECUTIVE: That Council</u>	
(A)	note the responses to the further public consultation and support the Officer responses and proposed changes to the Hertingfordbury Conservation Area Appraisal and Management Plan;
(B)	delegate authority to the Head of Planning and Building Control, in consultation with the Executive Member for Development Management and Council Support, to make any further minor and consequential changes to the document which may be necessary; and
(C)	support for adoption of the Hertingfordbury Conservation Area Appraisal and Management Plan.

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 Hertingfordbury Conservation Area is one of a series of reviews being undertaken.
- 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 are reviewed and, where appropriate, practical enhancement proposals are suggested.
- 1.4 Once Members have considered each document and it has been adopted by the Council, it becomes a 'material consideration' in the process of determining planning applications.

2.0 **The Hertingfordbury Conservation Area Appraisal and Management Plan.**

- 2.1 The Hertingfordbury Conservation Area was designated in 1968 and reviewed/redesignated in 1981. The first appraisal document was completed in 2013 and went through a period of public consultation October/December 2013. A public meeting was held on 24 October 2013 at which about 25 persons attended.
- 2.2 This was considered by Members at their Executive meeting on 4 February 2014 whose committee broadly supported the proposals including the principle issue of boundary revisions which were opposed by the Town Council and Amenity Society.
- 2.3 However at that time there was an outstanding representation relating to Epcombs and principally associated with No. 214 Hertingfordbury Road and whether or not this property was legally considered to be within in the listed curtilage of Epcombs. Officers have now obtained an independent legal opinion which supports the objector's view that it should not be considered to form part of the listing.

- 2.4 The time lapse in obtaining this opinion combined with other factors, including awaiting the outcome of an appeal elsewhere in Hertingfordbury, has delayed processing this appraisal to adoption.
- 2.5 The same objector also had a further concern relating to land being identified as a locally important Historic Park and Garden. Officers undertook additional work and with advice from the Hertfordshire Gardens Trust produced a brief report that was presented to the owner later in February 2014. This concluded that the garden to the south of Epcombs was properly identified as such.
- 2.6 Elsewhere the main recommendation was a significant amendment to the conservation area boundary, involving removing a number of modern properties off St Mary's Lane. This proposal is still considered appropriate.
- 2.7 Because of the significant time lapse, a re-consultation with the affected residential properties has recently been undertaken and was for a three week period 19 May – 9 June 2016. The Town Council and local Amenity Society (who originally objected) were so advised of the process.
- 2.8 With the passage of time a number of other environment improvements (some identified by the appraisal) and changes have occurred in the village and these require further minor alterations to the document. Finesse to the text and mapping makes it clear that the north wall of Stonyfields remains within the conservation area.
- 3.0 **Consultation Feedback in relation to the 2016 second period of consultation May 19- 9 June 2016)**
- 3.1 A summary of comments received through the consultation process and officer responses are set out in the table included as **Essential Reference Paper B**. Of the eleven residential houses involved responses were received from two within the time period. One was broadly in favour whilst another representation expressed concern regarding a reduction '*in planning controls on tree work*'. Such concerns can be overcome by making selected trees subject to a Tree Preservation Order (TPO).

- 3.2. Other relevant feedback and consideration: This relates to No. 214 Hertingfordbury Road. The opinion obtained on behalf of the Council from Robert Jameson of Attwoods Jameson Hill Solicitors concludes that *'214 Hertingfordbury Road should not therefore, in my opinion, be regarded as a curtilage Listed building to the property Epcombs...* Therefore amendments need to be made – particular reference new paragraph 6.21. The objector has been advised and no further response has been received.
- 3.3. Conclusion: It is considered the original recommendation to remove areas principally consisting of 20th century housing to the west of St Mary's Lane and south of Cole Green Way remains appropriate. This housing lacks any overall coordinated layout and design and cannot be described as having special architectural or historic interest. However it is accepted that selected trees are worthy of retention and that a detailed survey be undertaken and selected tree specimens be made subject to a TPO. It is also concluded that No. 214 Hertingfordbury Road should not be regarded as curtilage listed but that the designation of part of Epcombs garden is properly identified as a locally important Park and Garden.
- 3.4 **Essential Reference Paper C** is a copy of the Hertingfordbury Conservation Appraisal and Management Plan as it appeared at the earlier consultation draft stage with subsequent track changes to text and alterations to plans that incorporate any necessary changes. Further minor changes will be incorporated reflecting the status of the final document once Members have considered it for adoption.
- 3.5 Implications/Consultations. Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper A.**

Background Papers

1. Representations received from the 2016 consultation exercise.

2. Documents associated with the outstanding representation referred to by Members at their Executive of 4 February 2014 as needing resolution being:
- Legal opinion and accompanying correspondence dated 18 February 2016 relating to No.214 Hertingfordbury Road.
 - Officer paper (February 2014) regarding Epcombs status as a Locally Important Historic park and Garden.

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