

EAST HERTS COUNCIL

EXECUTIVE –23 OCTOBER 2018

REPORT BY EXECUTIVE MEMBER FOR DEVELOPMENT MANAGEMENT
AND COUNCIL SUPPORT

EAST END GREEN CONSERVATION AREA CHARACTER APPRAISAL
AND MANAGEMENT PROPOSALS

WARD(S) AFFECTED: HERTFORD RURAL SOUTH

Purpose/Summary of Report

- To enable Members to reconsider the East End Green Conservation Area Character Appraisal and Management Proposals following Members deferral at their Executive meeting on 17 July 2018. This deferral resulted from issues raised by residents to which Members required clarification. The report provides two alternatives for Members consideration.

<u>RECOMMENDATION(S) FOR EXECUTIVE: That Council:</u>	
(A)	note the responses to the public consultation, the Officer responses and proposed changes to the East End Green Conservation Area Character Appraisal and Management Proposals and Alternatives 1 and 2 described below;
(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)	EITHER support for adoption the East End Green

	Conservation Area Character Appraisal and Management Proposals (as set out in Alternative 1) described in this report
(D)	OR support for adoption the East End Green Conservation Area Character Appraisal and Management Proposals (as set out in Alternative 2) described in this report.

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 the East End Green 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 East End Green Conservation Area Character Appraisal and Management Proposals.

2.1 The Conservation Area was designated in 1981. This is the first review of the designation.

- 2.2 The production of Management Proposals is a statutory duty under s.71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The associated Character Appraisal is a necessary stage in the devising of Management Proposals as it analyses and describes the character and appearance of the conservation area that the Management Proposals seek to preserve and enhance.
- 2.3 S.71 of the Act requires that Councils put the Management Proposals to a public meeting, considers the responses received and makes any appropriate amendments before adopting the document.
- 2.4 The East End Green Conservation Area Character Appraisal and Management Proposals were drafted in late 2017 – early 2018 and put to a public meeting at Hertingfordbury Cowper School (the nearest public hall) on the 18 April 2018. The meeting featured an exhibition showing the proposals and a Conservation Officer was there to answer any questions. The meeting was well attended given the small size of the hamlet, with most local residents coming to view the proposals. There followed a period of public consultation from 16 April to 1 June 2018.
- 2.5 The ‘Consultation Draft’ included a number of amendments to the boundary of the Conservation Area. These are designed to make the Conservation Area more logical and defensible, particularly in the context of Planning Appeals. They are detailed in 8.1 of the Management Proposals on p. 44. A large map showing these boundary amendments was displayed at the public meeting and has been included, along with the revised document, in **Essential Reference Paper C** to this report.
- 3.0 Public consultation responses and further consideration following deferral.

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.
- 3.2 Six consultee responses were received during the consultation period. These have been carefully considered and are detailed in **Essential Reference Paper B**. Note Essential Paper B includes responses in respect of original consultation. Consideration of issues arising from Members deferral is included in this report.
- 3.3 The public response at the public meeting and through written responses was generally positive.
- 3.4 Two residents objected to the amendment of the Conservation Area boundary particularly to the exclusion of the oval field and the scrubland to the north east. They argue that part of this land (the scrubland) falls within the deeds of the village and once contained farmsteads and buildings that were demolished in the mid-19th C. Officers are of the view that, while this is of historical interest, the land is now open fields and unkempt scrubland and is not, therefore of any special architectural or historic special interest. In line with Historic England's guidance, officers conclude that it does not warrant inclusion in the Conservation Area.
- 3.5 Other responses included corrections and snippets of local information that have been included in the documents where appropriate and an additional proposal for future enhancements. This has been included for future consideration by the Parish Council and residents.
- 3.6 Following deferral from the previous Executive meeting and to ensure an independent assessment of this matter, a second officer in the Conservation and Urban Design Team has assessed the issues raised. His conclusions, which support the original officer recommendation, are set out in the Second Opinion provided as **Essential Reference Paper D**.

- 3.7. The Executive Member for Development Management and Council Support together with the Head of Planning and Building Control met the principal objector on 14 August 2018 and provided him with a copy of The Second Opinion.
- 3.8. At this meeting the principal objector submitted a portfolio of photographs reproduced as **Essential Reference Paper E**.
- 3.9. Following the meeting consideration has been given to a possible alternative proposal with regard to amendments to the conservation area boundary. This alternative (Alternative 2 below) retains the oval field/scrubland within the conservation area.

Further comment.

3.10. For the purposes of assisting Members the two alternatives are now discussed.

- Alternative 1 – Accept the original recommendation (recommendation C above).
- Alternative 2 – Amend the original recommendation to retain the oval field and adjacent scrubland within the conservation area (recommendation D above).

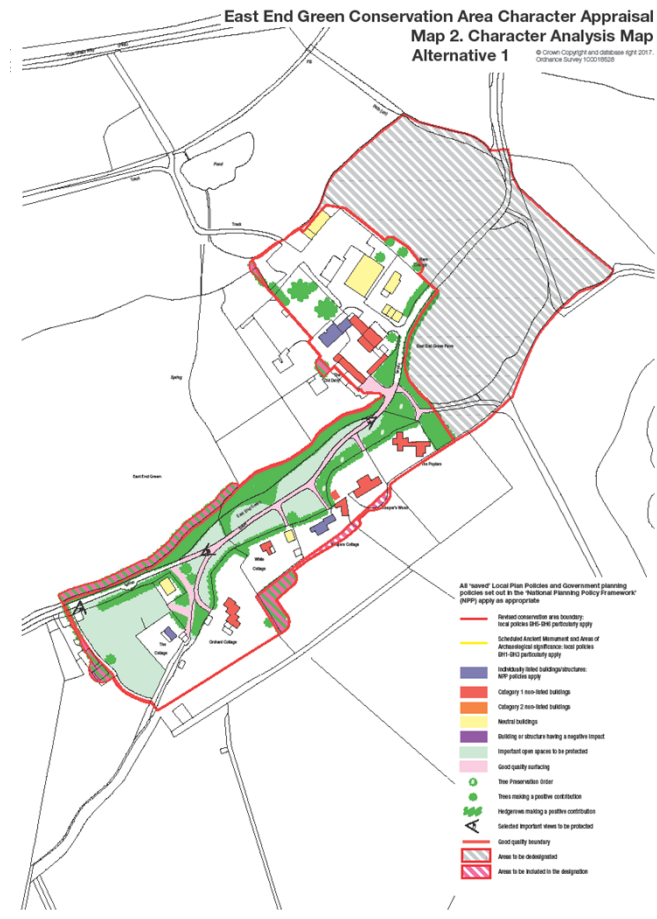
3.11. **Alternative 1**. The original recommendation is supported by The Second Opinion. Officers remain of the view that Alternative 1 (recommendation C above) is the correct interpretation of national advice because:

- (1) None of the land is of special architectural or historic interest (a legal requirement);
- (2) The excluded areas are part of the wider landscape and agricultural land the inclusion of which is contrary Historic England advice;
- (3) The removal of conservation area status will have limited

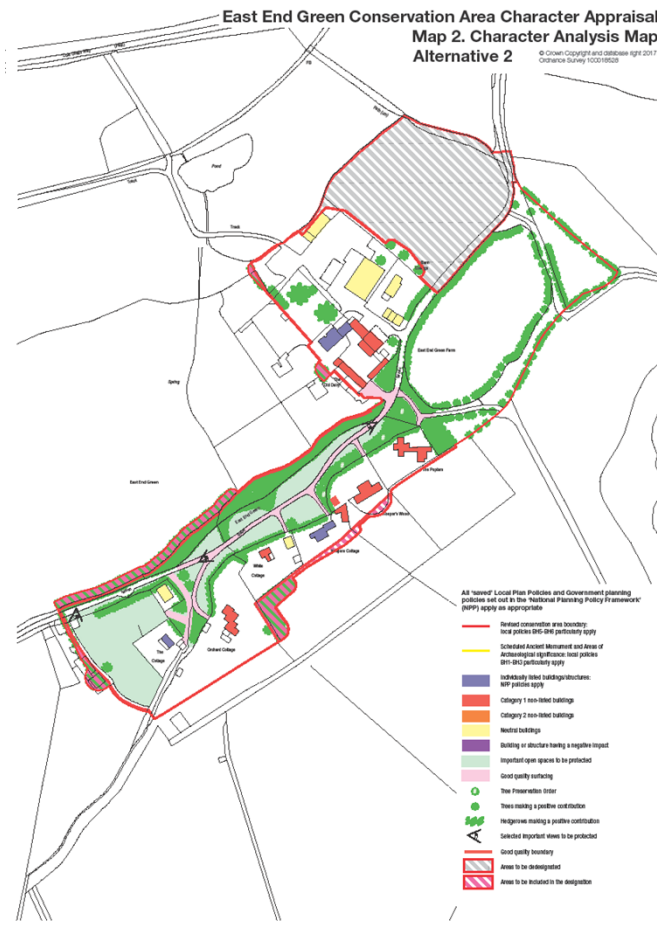
impact.

(4) The new boundaries are clear and sensible demarcations between edges of the settlement and open countryside beyond.

The map showing Alternative 1 as originally presented to Members with excluded areas diagonally hatched in grey is reproduced below.



3.12. **Alternative 2.** This has been considered by Officers following the meeting with the principle objector and retains the oval field and adjacent scrub land in the Conservation Area. The map below shows this.



3.13. To test whether or not Alternative 2 complies with the legislation and national guidelines and advice there are three principal questions to address.

Q. Firstly - Is the land of Special Architectural or Historic Interest?

A. Its historic interest is not 'special', being limited to any buildings that once existed were removed in the mid-19th century.

Q. Secondly - Is its setting so important to the conservation area that it should be included within it? *

*Historic England advise that before finalising the boundary it is worth considering whether the immediate setting also requires additional controls or whether the setting is sufficiently protected by planning policy.

A. This consideration is closely linked to the third question set out below. The land is in the Green Belt.

Q. Thirdly - Can the land to be considered as an important open area whose character and appearance is associated with nearby historic fabric rather than being part of the wider landscape? **

**The genesis for asking this question arises from Historic England's advice note *Conservation Area Designation, Appraisal and Management No1 2016* (same advice in 2018 update) namely *Conservation area designation is not generally an appropriate means of protecting the wider landscape...but it can protect open areas particularly where the character and appearance concerns historic fabric, to which the principal protection offered by conservation area designation relates.*

A. At best the visual link between the open nature of the oval field and nearby buildings in the conservation area is limited when viewed from the public domain. This is illustrated from a photograph submitted by the Principle Objector shown below and taken through a gap in the hedgerow adjacent to the Public Restricted Byway.



Picture submitted by the principal objector entitled Farm Managers Cottage across Oval field.

A. The Oval field is enclosed by hedgerows so at best it could be argued it is less visually part of the open countryside when compared with the adjacent excluded field, illustrated below.





The relationship with the open countryside. Top; the Oval field, more enclosed; bottom other excluded field.

3.14 **Conclusion.** Officers continue to advise that the land as originally proposed for exclusion is the most appropriate outcome and, importantly, that the revised boundaries as set out in Alternative 1 represent a very clear and sensible demarcation between the wider landscape and the conservation area. Officers support, therefore, recommendation C above.

3.15. However Alternative 2 is offered to Members on the basis of the limited visual relationship of the oval field and scrubland with nearby historic fabric and because of its more enclosed nature. Members are asked to determine which of these alternative outcomes they wish to endorse.

Adoption of the East End Green Conservation Area Character Appraisal and Management Proposals document.

4.1. Further minor changes will be incorporated reflecting the status of the final document once Members have considered it for adoption.

Background Papers

None

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