

EAST HERTS COUNCIL

EXECUTIVE: 3 DECEMBER 2019

REPORT BY EXECUTIVE MEMBER FOR PLANNING AND GROWTH

BENINGTON CONSERVATION AREA APPRAISAL AND
MANAGEMENT PLAN

WARD(S) AFFECTED: WALKERN

Purpose/Summary of Report

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

<u>RECOMMENDATIONS FOR EXECUTIVE: To recommend to Council that:</u>	
(A)	the responses to the public consultation be noted and the Officer responses and proposed changes to the Benington Conservation Area Appraisal and Management Plan be supported;
(B)	the Head of Planning and Building Control, in consultation with the Executive Member for Planning and Growth, be authorised to make any further minor and consequential changes to the document which may be necessary; and
(C)	the Benington Conservation Area Appraisal and Management Plan be adopted.

1.0 Background

1.1 East Herts has a rich environmental heritage which currently includes 42 Conservation Areas. The East Herts District Plan refers to the ongoing review of its

Conservation Areas, a requirement which is also set out in national legislation.

- 1.2 The review of the Benington Conservation Area is one of a series of reviews being undertaken and this is a recently completed one for consideration.
- 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'¹ in the process of determining planning applications.

2.0 Report

The Benington Conservation Area Appraisal and Management Plan

- 2.1 The Benington Conservation Area was first designated in 1968 and boundaries revised in 1981. This Appraisal document was completed in 2018 and went through a period of public consultation from 29 November 2018 to 24 January 2019. There was a public meeting held on 29 November 2018 at which about 20 persons attended. Following this meeting a revised copy of the comment form was delivered to those signing the attendance list due to an error relating to the contact details on the

¹ A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.

comment form that was available at the meeting. There was a further supplementary three week period of consultation which ended on 30 September 2019 concerning an additional conservation area boundary change relating to land to the rear of the school.

- 2.2 A summary of the representations received together with Officer responses is included at **Essential Reference Paper 'B'**. This document identifies the various issues raised and provides comments on them.
- 2.3 In total some 20 representations have been received which are included for information in **Essential Reference Paper 'C'**. These representations have been redacted to omit personal details. One late representation, received about three weeks beyond the closing date of the first consultation period, was not accepted.
- 2.4 *Conservation area boundaries:* The document considers the conservation area boundaries and proposes a number of alterations. These are set out in paragraphs 5.61 and 7.1 of the Appraisal document and shown on accompanying plans. In addition to several minor extensions there are three areas proposed to be excluded from the conservation area. These proposed excluded areas are (1) field to north of buildings at Benington Bury Farm; (2) an area of open land and associated buildings on the east side of Duck Lane and (3) following the further period of consultation: land and buildings to the rear of the school. The commentary relating to these representations is set out in **Essential Reference Paper 'B'**.
- 2.5 In summary, areas (1) and (2) are interpreted as being part of the wider landscape the inclusion of which is

contrary to current Historic England advice. They are also located within The Rural Area Beyond the Green Belt and thus protected by Adopted District Plan Policy GBR2. Additional paragraphs are now proposed at 5.45, 5.46 and 7.14. These additions should satisfy objectors concerned about the proposed exclusion of land east of Duck Lane.

- 2.6 The Appraisal document identifies the key environmental features and the manner in which they can be controlled. The most relevant ones are: Listed Buildings, Scheduled Ancient Monument and Areas of Archaeological Significance, other non-listed buildings worthy of protection, other distinctive features, important open spaces, historic gardens and trees.
- 2.7 *Listed buildings and structures in their curtilages:* These are protected by legislation and have been identified.
- 2.8 *Scheduled Ancient Monument and Areas of Archaeological Significance:* Benington Castle site is most important and of considerable historic and visual importance. Much of the conservation area is of archaeological significance.
- 2.9 *Non listed buildings of quality worthy of protection:* A small number have been so identified. Some non-listed residential buildings have architectural features of high quality whose formal protection could be achieved through the introduction of an Article 4 Direction.
- 2.10 *Other distinctive features worthy of protection:* Many have been identified. These include a number of walls, gate, street lamp, War Memorial and tombstones.
- 2.11 *Important open land and spaces:* These are the churchyard, Church Green/s, open area opposite Beech

House and land to the east of the Bell PH.

- 2.12 *Historic Park and Garden:* Benington Lordship; also garden at Bury Lodge Farm.
 - 2.13 *Trees:* Trees play a particularly important role in many locations.
 - 2.14 *Water Features.* Several are identified.
 - 2.15 *Enhancement proposals to deal with detracting elements:* Utility poles and overhead services identified. Other repair works with potential for grant assistance also identified.
 - 2.16 A copy of the Benington Conservation Area Appraisal and Management Plan together with accompanying plans is included at **Essential Reference Paper 'D'**. This is presented as it appeared at the consultation draft stage with any subsequent track changes to text and alterations to accompanying plans that incorporate any necessary changes. Important additional paragraphs are now also proposed underlining the protection afforded by the adopted District Plan at paragraphs 5.45, 5.46 and 7.14. Further minor changes will be incorporated reflecting the status of the final document once Members have considered it for adoption.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues associated with this report can be found within **Essential Reference Paper 'A'**. Included in this document is reference to a possible Judicial Review.

Essential Reference Papers

- ERP 'A' Corporate Issues and Consultation
ERP 'B' Summary of representations and Officer comments
ERP 'C' Copies of submitted representations, redacted to omit personal details.
ERP 'D' Benington Conservation Area Appraisal and Management Plan and accompanying plans; (Historic Plan; Character Analysis Plan/key; Management Plan/key)

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