

Essential Reference Paper 'B'

Issue	Representations made	Officer comment
General background		There were two periods of consultation. The principal one 29 Nov. 2018-24 Jan. 2019 was followed by a three week consultation period ending on 30 Sept. 2019. The latter related to a boundary change to the rear of the school excluding a small area of land and buildings where the existing boundary was considered arbitrary.
Representations by the Parish Council (PC).	<p>The PC considers that all of the grounds of Benington School should be incorporated in the conservation area. The PC is also concerned at the proposal to exclude land to the east of Duck Lane being aware of resident concerns to protect its special rural character.</p> <p>The PC provides a plan which identifies their suggested CA boundary which includes the entirety of the school grounds and the area to the east of Duck Lane proposed for exclusion.</p> <p>In respect of the second consultation the PC raised no objections to the proposed exclusion.</p>	<p>This is an issue raised by others and considered collectively below. As the boundary is currently drawn part of the school site is within the CA whilst most of the more open grassed area lies beyond the CA.</p> <p>See Appendix 1.</p> <p>This is also an issue raised by others and considered collectively below.</p>
Include all of the grounds of Benington School within the conservation area (CA).	The comments received are of a general nature including those of the PC set out above. Other paraphrased examples include <i>have been playing fields for a long time; odd to include only part of them; playing fields should be considered for</i>	General description. The original historic school building fronting Walkern Road is of quality and has been so identified. To the rear there are more recent extensions of brick construction. Beyond are two additional buildings of a less permanent nature with hard surface, various small storage units and other items (Picture 1). To the rear of Benington Nursery there is a play area (Picture 4). These

Following further consultation exclude an area of land from conservation area to rear of school.



Picture 1 Hard surface and ancillary school buildings of very limited architectural or historic quality behind main school building, currently within the CA.



Picture 2. Grounds with some play equipment, looking towards Duck Lane, beyond the CA.



Picture 3. Grounds looking towards school complex from Duck Lane, beyond the CA.

protection being quite vulnerable because they back onto Duck Lane; boundary not clear; retain all grounds of Benington School; why are they not considered an open space worthy of being protected.

One representation supports the Nursery building remaining in the CA because it is considered that development needs to be strictly controlled.

In relation to the second consultation the School Council object to the main part of the grounds being included in the CA because they consider it may prevent the establishment of an all-weather playing surface.

Similarly in relation to the second consultation correspondence on behalf of the School Governors seek flexibility in their aspiration to develop the grounds and feel that any CA boundary alterations should not affect replacing temporary classrooms; does not restrict replacing part of the playing field with an all-weather surface; does not limit provision of temporary structures such as play equipment; does not place unrealistic restrictions on type of materials.

areas are currently within the CA.

The grounds of Benington School extend to Duck Lane and are enclosed by boundary hedging/trees. Much is open and grassed with some play equipment (Pictures 2 and 3). Most of the grassed area is not within the CA.

It is accepted that the current CA boundary is arbitrary, a fact referred to at the public meeting and during consultation. Officers have reviewed this boundary issue in detail following a site visit in the summer holiday period of 2019.

Control offered by Adopted Policy HA4 (Conservation Areas) is similar to land within or beyond a CA but affecting its setting.

General protection: protection is afforded to the school grounds for their continued use, being for the most part protected by approved District Plan Policy CFLR1 Open Space, Sport and Recreation. Part VI of that policy essentially states that the loss of such land will normally be refused, subject to caveats.

Should the school wish to provide additional recreational facilities such as an all-weather surface referred to in representations requiring planning permission Adopted District Plan Policy HA4 might be relevant. This advises new development which preserves or enhances the special interest will be permitted both within a CA or on land beyond which affects its setting.

It is accepted that a key objective of the school is to provide high quality educational facilities with associated sports grounds and their representation for flexibility is understood.

To date no application for an all-



Picture 4. Play area and equipment at NW of site to rear of Benington Nursery, currently within the CA.

Part of the grounds being a school nature area is highlighted.

With regard to the proposed exclusion of land and buildings to r/o the school, other representations draw attention to the quality of some trees in this location and suggest that some should be made subject to Tree Preservation Orders.

weather surface has been received and so there are no details concerning its location, potential layout, design or size. Any impact in relation to the adjoining conservation area will be taken into account at that time.

The playing fields are not considered vulnerable to other unrelated development (if that is the fear) because they are already protected by Adopted District Plan Policy CLFR 1 which identifies them as an open space worthy of protection for playing field purposes.

It is indeed odd (as one representation noted) to have included only part of the playing field and Officers preferred solution has been to propose redrawing the boundary to exclude the temporary buildings etc. which are of no architectural or historic interest.

It is accepted that the removal of CA status does remove the limited protection such designation provides in relation to trees and satellite information shows some trees would be beyond the proposed redrawn boundary.

Land Registry records shows most land associated with the playing fields is owned by Herts CC whilst a smaller area more associated with school buildings is owned by the Diocese of St Albans. The Council's Arboricultural Officer advises that in 2018 works to a prominent Oak tree were the subject of a formal application/notification supported by a professional report. Planning Practice Guidance advises that it is *unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management* (ID 36-010-20140306).

Officers have not subsequently made a

		<p>detailed site survey of any trees potentially affected but note that should any planning application be submitted any issues relating to trees can be properly assessed at that time and if necessary the option of applying TPO's or making them subject to planning condition could be more properly explored.</p> <p>Conclusion.</p> <ol style="list-style-type: none"> 1. It is accepted that the current conservation area boundary to the r/o the school is arbitrary. 2. The historic building fronting Walkern Road and attached buildings should remain in the CA. 3. It is appropriate to remove the Nursery and adjacent building, nearby play areas and hard surfaces from the CA. 4. It is considered no case has been presented to extend the CA to include the remainder of the playing field particularly as the continued use of the land for appropriate sport and recreation is protected by District Plan Policy CFLR1. The site is not as visually important in relation to the community and CA as other open spaces so identified. 5. The quality of any appropriate sports related development proposal will be judged in detail at planning application stage when any issues relating impact on the CA or to landscaping and retention of trees can be properly assessed.
<p>Two areas of countryside proposed for removal from the CA.</p> <p>Land proposed for removal on the east side of Duck Lane.</p>	<p>One representation agrees with the removal of both areas.</p> <p>Other representations are opposed to the removal of land east side of Duck Lane.</p> <p>One representation advises that they</p>	<p>Noted.</p> <p>Duck Lane north of the stables is shown on HCC mapping as a byway open to all traffic. It appears to be well used and is bordered by mature trees.</p> <p>Noted.</p>



Picture 5. Looking across the northern part of the site. Land is interpreted as forming part of the wider landscape and is protected as a valued countryside resource by Adopted Plan Policy GBR2.

reserve rights *'in relation to an application for judicial review of any decision to remove Conservation Area status'*.

A representation considers that although the stables are unsightly, Duck Lane is well used and advises *'No one would like to see the ancient meadows built on'*.

A representation advises the lane is ancient and largely untouched by development, bordered by mature trees and untouched fields. This representation considers that removal of CA status would be threatened *'not just the views from it but also its peace and solitude'*.

In similar vein others considers it as *'a popular area of particular and rare beauty...'*

The owners of the land advocate its retention within the CA.


It is a common misconception that conservation area status limits development. However National Planning Policy advises there should be a positive strategy for conserving the historic environment and that account should take of the desirability of new development making a positive contribution.

The area is interpreted as forming part of the wider landscape. See Picture 5. Historic England advises that *'Conservation area designation is not generally an appropriate means of protecting the wider landscape...'* (Para 73, 2019 Conservation Area Appraisal, Designation and Management).

The same Historic England document also advises in relation to determining CA boundaries to take into account whether or not the setting of the CA is sufficiently protected by national or local policies (Para 75 of above document).

The area proposed for exclusion is adequately protected by adopted District Plan Policy GBR2 Rural Area Beyond the Green Belt and as such protected as a valued countryside resource. Any fear the lane will be engulfed by significant development is most improbable, especially in the current plan period until 2033.

The principle advantage of retaining CA status would be to provide a limited period of protection for trees in this location. A selection could be considered for future Tree Preservation Orders if ever considered to be under

		<p>threat.</p> <p>Conclusion. This land is appropriately considered to be part of the wider landscape and that it is adequately protected by District Plan Policy as a valued countryside resource.</p> <p>Additional text has been proposed for inclusion in the Benington Conservation Appraisal and Management Plan document to reflect the protection afforded by the adopted District Plan. See paragraphs 5.45, 5.46 and 7.14.</p>
<u>Important open spaces to be protected.</u>	Agree with those so identified. Consider they should <i>remain open and undeveloped.</i>	Noted.
<u>Protected views.</u>	Agree with proposals, particularly that appertaining to looking across protected open space east side of Duck Lane.	Noted.
<u>Unlisted buildings to be protected from demolition.</u>	A representation was made in respect of 2 Walkern Road.	This building was not so identified in the original document. The general form of the historic part of the building is pleasing but later additions detract from the original form. On balance it is considered not to make a sufficiently important architectural or historic contribution to be so identified. The owner supplied photos which can be viewed in Essential Reference Paper 'C'.
<u>Exclude wooded area to rear of Town Lane from CA.</u> 	The representation considers the area to be untidy with smallish unkempt trees, largely invisible from view. It could ' <i>provide useful infill land in the future for badly needed housing in the village.</i> '	<p>The area contributes to the general quality of the conservation area. It is considered that the mass of the woodland is a visually pleasing feature that has positive environmental relationship with historic buildings and the open space south east of Beech House. There are a number of mature trees. See Picture 6.</p> <p>The area lies within and protected by Adopted District Plan Policy GBR2 Rural Area Beyond the Green Belt.</p>
<p>Picture 6. The wooded area viewed from 'protected' open space south east of Beech House. A combination of historic buildings open space of quality and woodland trees makes a positive contribution to the conservation area in this location.</p>		

<p><u>Other trees (see above in relation to issues raised concerning trees to rear of School site).</u></p>	<p>A representation made the general point about protecting the important trees in the community. Raised the issue as to whether or not Tree Preservation Orders (TPO) would be necessary.</p> <p>Another representation considered the Willow tree near central pond Duck Lane/Walkern Road should be made subject to a Tree Preservation Order.</p>	<p>Some protection is afforded to trees in the CA because the legislation requires that works to trees in CA's have to be notified to the District Council who then has the opportunity to make them subject to a TPO within a specified time period.</p> <p>There is no urgency as the tree is within the CA and as such any works to it would have to be notified to the District Council. See above.</p>
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For Appendix 1, please refer to next page.

Appendix 1 - Map supplied by PC showing their proposed CA boundary (annotated *Benington PC proposed Conservation area boundary in blue*).

