

**Committee:** Cabinet

**Agenda Item**

**Date:** 9 May 2013

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**Title:** Conservation Area Appraisal, Hatfield Broad Oak

**Portfolio Holder:** Cllr Barker

**Key decision:** No

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### Summary

1. This report has been prepared and discussed with Hatfield Broad Oak Parish Council who support its general content. The draft Conservation Area Appraisal for Hatfield Broad Oak was made available on the Council's website and as printed copies. A public exhibition was held on 2 March 2013 and attended by the Council's Conservation Area Appraisals Project Officer and two officers from Essex County Council Place Services who had been commissioned to carry out the fieldwork and produce the appraisal report. All three officers presented the findings and answered questions. This report summarises and comments on the representations made at the exhibition and subsequent to it in the consultation period which lasted from 11 February until 24 March 2013.
2. Hatfield Broad Oak Parish Council welcomed the Conservation Area Appraisal in principle and considered it a worthwhile document which is likely to strengthen the control of development. This comment is valuable and is one shared by officers. The experience of the Conservation Area Appraisals so far undertaken indicates that the process is both important and popular with the local communities.

### Recommendations

3. That the Conservation Area Appraisal be approved and used to assist in the process of determining planning applications and for implementing Management proposals.
4. That the Hatfield Broad Oak Conservation Area boundary be formally amended.

### Financial Implications

5. The recommendation would require the advertising of the boundary changes which would cost in the region of £500 - 600. This can be met from existing budgets for Conservation.

### Background Papers

6. The notes of the public exhibition held on 2 March 2013 and all representations received.

### Impact

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Communication/Consultation	Full consultation undertaken.
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Community Safety	Not affected
Equalities	Not affected
Finance	Advertising costs can be met from existing budgets. The document will be disseminated through the website.
Health and Safety	Not affected.
Human Rights/Legal Implications	Not affected.
Sustainability	The report focuses on environmental issues seeking to preserve the environment of the respective communities, including their buildings and open spaces.
Ward-specific impacts	Broad Oak and the Hallingburys - various proposals as amended and as contained in report.
Workforce/Workplace	Existing staff resources.

## Situation

8. The original designation of the Hatfield Broad Oak Conservation Area was made by Essex County Council but the area was later re-surveyed by Uttlesford District Council, and a revised Conservation Area designated, after local consultation, in 1977. The Council has a duty within section 69 of the Listed Buildings and Conservation Area Act 1990 to consider the designation of Conservation Areas and to undertake periodic reviews. As part of this work the Council has undertaken a number of Conservation Area Appraisals of existing Conservation Areas.
9. This report sets out the key issues within the attached Conservation Area Appraisal and records the results of the consultation exercise and the changes proposed.
10. The principal issues and recommendations set out in the document are:

**Changes to the existing Conservation Area boundary.** Alterations to the Conservation Area boundary are proposed.

(a) The car park in front of the Vicarage and the Vicarage site.

(b) The lower end of Cage End. This area is very important in views from the village centre and for the continuation of the trees and green verges which are part of the character of the Cage End.

The Appraisal makes a further proposal that:

Consideration should be given to the preservation of the character of the Broad Street Green and the setting of listed buildings around it by possibly designating a separate Conservation Area. This may be the subject of a separate study.

Note: As a result of the consultation respondents have commented on the above alterations to the Conservation Area. A number of other points were raised by respondents relating to issues raised in the Appraisal report. These representations are included in the table below with appropriate officer comment.

**General notes:**

**Planning Controls and Good Practice in Respect of Other Buildings that Make an Important Architectural or Historic Contribution.** A number of such unlisted buildings that make a positive contribution to the character of the Conservation Area have been identified. The Council will seek to ensure that these are retained. Most notable are Clarob and Laburnum Cottages, Woodhurst on Feathers Hill and the butchers shop at Cage End.

Proposed Article 4 Directions. There are other distinctive features that are integral to some of the unlisted buildings identified in the Conservation Area Appraisal for Hatfield Broad Oak that make an important architectural or historic contribution, including selected chimneys, windows and other architectural detailing. In some situations protection already exists through existing planning controls but in other cases protection could only be provided by removing Permitted Development Rights via an Article 4 Direction. Should the Council consider such a course of action appropriate there would be a process of notifying the affected owners separately at a later date. This would be associated with further detailed consideration and possible refinement of the general proposals set out earlier in this Appraisal.

**Planning Controls and Good Practice in Respect of Other Distinctive Features that Make an Important Architectural or Historic Contribution.** This Appraisal has identified several features including walls and railings that make a particular contribution to the character of the Conservation Area. Some walls/railings are protected from demolition without prior consent virtue of exceeding the specified heights relevant to Conservation Area or by Listed Building legislation. Any proposal involving their demolition is also unlikely to be approved.

**Planning Control and Good Practice, Important Open Spaces, Trees and Groups of Trees.** The landscape is essential to the setting of the buildings both in terms of the large mature trees in the churchyard and the open ground south of the High Street. In Cage End the more rural character is enhanced by the grass verges and width of the street. Landscaping in the form of grass verges, trees and large front gardens has been critical in minimising the impact of new housing at the south of Cage End on the views from the village centre. Many trees have already been made subject to Tree Preservation Orders but others worthy of protection have not. Subject to certain exceptions all trees in a Conservation Area are afforded protection and a person wanting to carry out works has to notify the Council. Trees that have not been identified may still be considered suitable for protection by Tree Preservation Orders.

**Enhancement Proposals to Deal with Detracting Elements.** The Appraisal identifies a number of detracting elements together with a proposed course of action. It is recognised that such improvements will frequently only be achieved with the co-operation of owners and other bodies as appropriate.

## **10 Consultation results**

The comments received at the public exhibition and during the consultation period are set out in the table arranged in the subject order above. Those responses which noted minor inaccuracies in the text of the Draft Conservation Area Appraisal, such as the misspelling of building names, are not included here.

All maps are included in Appendix 1 to this report.

Issue	Representations made	Officer comment
Changes to the Conservation Area	<p><b>Cllr Artus</b> asks if there is any reason why the conservation area should not extend to the High Street frontage of our new village green.</p> <p><b>A Hatfield Broad Oak resident</b> objects to the proposal that the open space enclosed by the rear of properties on the south side of the High Street, the east side of Cage End and the north side of Cage End Close and Medlars Mead be added to the Conservation Area.</p> <p><b>A Hatfield Broad Oak resident</b> suggests that the village hall should be included within the Conservation Area.</p> <p><b>Hatfield Broad Oak residents</b> (two representations) suggest that there are many listed buildings in Broad Street, Broad Street Green and Cannons Lane that should be considered as an additional Conservation area.</p>	<p>In accordance with English Heritage guidelines officers do not consider the this part of the High Street to be an area that contributes significantly enough to the character or appearance of the Conservation Area to warrant inclusion within the boundary.</p> <p>Officers acknowledge that the current designation of the area as Protected Open Space of Environmental Value in the 2005 Local Plan and in the emerging new Local Plan and the group order protection afforded to the tree cover provide sufficient protection for this site. Officers agree that this area will be removed and not be proposed for inclusion within the boundary of the Conservation Area.</p> <p>The current proposal as delineated in the appraisal is that the boundary of the Conservation Area should be extended south along Cage End to include the village hall.</p> <p>The appraisal proposes the possibility of designating a separate Conservation Area. This would need to be subject to a separate appraisal and consultation process.</p>
Detracting elements	<p><b>A Hatfield Broad Oak resident comments</b> that satellite dishes should not be permitted on elevations facing the main High Street.</p>	<p>The Town and Country Planning (General permitted Development Order) 1995, currently requires that the</p>

	<p><b>A Hatfield Broad Oak resident</b> considers that overhead cables are an eyesore.</p>	<p>addition of dormer windows to roof slopes, various types of claddings and the installation of satellite dishes fronting a highway require planning permission in a Conservation Area.</p> <p>Officers consider the electricity poles an unsightly element detracting from the character of the Conservation Area. The local community and Parish Council could enter to discussions with utility companies.</p>
Other	<p><b>Hatfield Broad Oak residents</b> (two representations) have serious concerns over the daily heavy traffic and its effect on Cage End.</p> <p><b>A Hatfield Broad Oak resident</b> notes that preventing large buildings on the horizon of the Church of St Mary the Virgin is essential.</p>	<p>Officers suggest that this is brought to the attention of the Parish Council who will be able to contact Essex Highways to consider possible options.</p> <p>The council's new draft Local Plan Policy SP131 provides guidance for the protection of heritage assets: Development will only be permitted where it protects and enhances any heritage asset and makes a positive contribution to the street scene and/or landscape.</p>

## 11 Conclusion

The public consultation raised a number of useful points which have been incorporated into the Conservation Area Appraisal. The document should be amended to incorporate the above comments and the documents use should commence immediately to assist in the determination of planning applications and for implementing the management proposals as set out.

Formal changes to the Conservation Area Boundary will need to be advertised prior to them coming into force. It is necessary to inform the Secretary of State and English Heritage and place an advert in the London Gazette and local newspapers. The owners of affected properties will also be notified of the changes.

## Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
Revisions to the Conservation Area	1 There is some risk that revisions will be approved which cannot be justified by the guidelines provided by English Heritage.	2 If revisions to the Conservation Area are approved which the council cannot justify through good practice guidelines, the report and its recommendations will be unsound. Planning officers and applicants will then be without any up to date guidance and applications will be determined against out of date resources.	The report has been carefully produced and amended where any inaccuracies were noted. Consultation has been carried out with the Parish Council and Hatfield Broad Oak residents and advice sought from specialist officers and experts to support the findings.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.