

**Committee:** Cabinet

**Agenda Item**

**Date:** 28 October 2014

**14**

**Title:** Conservation Area Appraisal, Bentfield Green

**Portfolio Holder:** Cllr S Barker

Key decision: **No**

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## Summary

1. This report has been prepared and discussed with Stansted Mountfitchet Parish Council who support its general content and are actively working to implement the management proposals.

The draft Conservation Area Appraisal for Bentfield Green was made available on the Council's website and as printed copies. A public exhibition on 6 September 2014 was attended by the Council's Conservation Area Appraisals Co-ordinator who 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 25 August to 5 October 2014.

2. Stansted Mountfitchet 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.

## Financial Implications

4. None.

## Background Papers

5. The notes of the public exhibition held on 6 September 2014 and all representations received.

## Impact

- 6.

Communication/Consultation	Full consultation undertaken.
Community Safety	Not affected.
Equalities	Not affected.

Finance	None.
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	Stansted North - various proposals as amended and as contained in report.
Workforce/Workplace	Existing staff resources.

## Situation

7. The Bentfield Green Conservation Area was first designated in 2008. 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.
8. 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.
9. The principal issues and recommendations set out in the document are:

### **Changes to the existing Conservation Area boundary.**

None are proposed.

Note: As a result of the consultation a number of 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. These are as follows: Rose Tree Cottage, Nos. 26-34 and 34-44 Bentfield Green, Nos.33-43 Bentfield Green, the Rose and Crown public house, Nos. 37 and 66 Bentfield Road.

#### **Proposed Article 4 Directions.**

There are other distinctive features that are integral to some of the unlisted buildings identified in the previous paragraph 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. The associated legislation is complex. 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 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 pumps that make a particular contribution to the character of the Conservation Area. Some walls are protected from demolition without prior consent by 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 open spaces as identified being the large green adjacent to the Rose and Crown pub and the small triangular island, green, playground and pond opposite Pond Cottage. All represent landscape features that materially contribute to the character and appearance of the Conservation Area that must be protected.

Only the most significant trees are shown very diagrammatically. Many 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. Owners are advised to make regular inspections to check the health of trees in the interests of amenity and Health and Safety. Most notable are those in the grounds of Bentfield Green Farmhouse and in the grounds of No. 18. Wide grassy verges also play a role in ruralizing the street scene particularly where they provide a break between the historic and modern built environments. Hedges too make an important visual contribution to the landscape often marking the boundaries between the various properties or performing a shielding function where more modern developments meet the historic core particularly where they soften the developments along Wetherfield.

**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 or attributed dates are not included here.

Issue	Representations made	Officer comment
General	<p><b>Stansted Mountfitchet Parish Council</b> comments that they are pleased with the way in which the Appraisal has been conducted and which they feel has been very comprehensive.</p> <p><b>A resident</b> considers the whole Uttlesford District Council consultation process to be flawed and that the Council takes no notice of it's constituents.</p> <p><b>Bidwells</b> consider that the Council should not be determining matters relating to the Conservation Area until the Local Plan review has been settled. This is because matters such as land allocations, which will determine the location and type of future development within the District (including land at Bentfield Green), are still in play and therefore may be prejudiced by the Appraisal. They offer a holding objection to the Conservation Area Appraisal until the outcome of the Local Plan review is known.</p>	<p>Noted.</p> <p>The Conservation Area Appraisals process is conducted in as open and transparent a manner as possible and all responses are reported and duly considered.</p> <p>Officers consider that there is no reason why Conservation Areas cannot be amended/reassessed before the emerging Local Plan is adopted. Conservation Areas are in place to ensure that areas of special architectural and/or historic character or appearance are protected and enhanced. The Conservation Area Appraisals assess what is on the ground now and ensure that adequate protection is in place. The adopted Local Plan 2005 and the emerging Local Plan policies on Conservation Areas do not preclude development, they just ensure that any development permitted will preserve and enhance the character and appearance of the essential features of a Conservation Area.</p>
Changes to the Conservation Area Boundary	<p><b>Bentfield Green residents (3 responses)</b> consider the properties in Bentfield Close and particularly the former pump house/electricity station (No. 1 Bentfield Close) to be of sufficient quality to warrant their continued inclusion in the Conservation Area</p>	<p>Officers have re-examined the site and consider, on balance, that the quality of the buildings and, in particular the remaining architectural features of No. 1 Bentfield Close, its historical inter-relationship with other properties in the Conservation</p>

	<p><b>Bentfield Green residents (joint submission from 9 residents)</b> consider that that the whole area of Bentfield Green should be part of the Conservation Area to include all houses, the Rose and Crown public house, the children's playground, the pond and the two small pieces of green opposite the pond.</p>	<p>Area and siting do warrant continued inclusion in the Conservation Area. The proposed revision of the boundary will therefore not be pursued.</p> <p>Officers note the request, but consider that the properties of 20th century construction in Bentfield Green currently excluded from the Conservation Area would not contribute significantly to the fabric of the area. The properties, features and spaces specifically noted by residents are all currently within the Conservation Area and there is no proposal to remove them. As such they are, and will continue to be protected.</p>
<p>Management proposals</p>	<p><b>Stansted Mountfitchet Parish Council</b> hopes that all of the recommendations/management proposals will be adhered to, particularly the Article 4 Directions. The Parish Council additionally note that they have initiated work on a number of the actions already.</p>	<p>The suggested enhancement proposals for Bentfield Green will only be achieved through the cooperation of landowners. Management proposals are made as suggestions for implementation by the community as, and when, funds might permit. Officers are very pleased to hear that the Parish Council has a number of remedial works already underway.</p> <p>A number of Article 4 Directions are proposed in the Appraisal. 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 in this Appraisal.</p>

## 10. 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 use of the document should commence immediately to assist in the determination of planning applications and for implementing the management proposals as set out.

## 12. Risk Analysis

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 findings 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 Bentfield Green 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.