

**Committee:** Cabinet

**Agenda Item**

**Date:** 4 December 2014

**12**

**Title:** Conservation Area Appraisal, Elmdon

**Portfolio Holder:** Cllr S Barker

Key decision: No

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## Summary

1. This report has been prepared and discussed with Elmdon Parish Council who supports its general content.

The draft Conservation Area Appraisal for Elmdon was made available on the Council's website and as printed copies. A public exhibition on 16 October 2014 was attended by the Council's Conservation Officer and the fieldworker who had undertaken the appraisal, both of whom 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 6 October to 16 November 2014.

2. Elmdon 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 Elmdon 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 16 October 2014 and all representations received.

## Impact

- 7.

Communication/Consultation	Full consultation undertaken.
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	Wenden Lofts - various proposals as amended and as contained in report.
Workforce/Workplace	Existing staff resources.

## Situation

8. The Elmdon Conservation Area was first designated in 1976. 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:

### **An amendment to the boundary of the Conservation Area is suggested:**

To extend the boundary to include the range of outbuildings south of Elmdon Lodge.

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 positive contributions to the character of the Conservation Area have been identified. The Council will seek to ensure that these are retained. These buildings are as follows: Main house at Elmdonbury; Coach House to west of Elmdonbury; barn to south of Coach House; barn to east of Coach House; Elmdon Lodge; outbuilding to Elmdon Lodge; Wilkes Barn; barn to rear of Wilkes Barn; The Old School; School Row; part of Violet Cottage; Pilgrims.

## **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. 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 the Appraisal.

### **Planning Controls and Good Practice in Respect of Other Distinctive Features that Make an Important Architectural or Historic Contribution.**

This Appraisal has identified a number of walls, railings and other features (tombs/gravestones, directional sign, War Memorial, pump, gate piers and gates) that add significantly to the character of the Conservation Area and which should be retained.

### **Planning Control and Good Practice, Important Open Spaces, Trees and Groups of Trees.**

The churchyard and two small greens, one centrally located and the other on the Ickleton Road to the east of the church, together with water features in the Elmdonbury area, represent landscape features that materially contribute to the character and appearance of the Conservation Area which must be protected.

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.

### **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.

<b>Issue</b>	<b>Representations made</b>	<b>Officer comment</b>
General	<b>An Elmdon resident</b> notes that Elmdoners are proud of the heritage, history and varied architecture of the village and generally welcome the existence of the conservation area given the responsibilities and obligations that go with it.	Noted

	<p><b>An Elmdon resident</b> is concerned that the Council should fight the corner for owners of listed properties regarding the government's imposition of standard rate VAT in respect of approved alterations, maintenance and repairs to listed properties</p>	<p>The removal of the zero rate of VAT on alterations to listed buildings is a matter for HMRC. English Heritage have already commented and on the impact and have suggested mitigation measures. It will be most appropriate to follow any concerns up with English Heritage as the Government's expert adviser on the historic environment.</p>
Character analysis of Elmdon	<p><b>Natural England</b> welcome the references to open land and open spaces under paragraphs 1.50, 1.52 and 2.11.</p> <p><b>Natural England</b> further suggests that the Council should also look at the fragmentation of open spaces and the linking of them back to paths and other sites as a benefit to both sustainable transport and biodiversity.</p> <p><b>An Elmdon resident</b> considers the character analysis to be fair representation.</p> <p><b>An Elmdon resident</b> considers there should be a balance between conservation and the construction of tomorrow's houses of potential architectural and heritage interest.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Subject to complying with the relevant policies development will be permitted on land within Development Limits where they fall within the Conservation Area.</p>
Changes to the Conservation Area Boundary	<p><b>An Elmdon resident</b> considers that this seems to be logical within the context of the existing conservation area.</p>	<p>Noted</p>
Important buildings	<p><b>An Elmdon resident</b> notes that this seems to be logical having regard to the existing conservation area.</p>	<p>Noted</p>
Management proposals	<p><b>An Elmdon resident</b> comments that the 3 way directional sign was repaired by ECC 30 years ago at which time no attempt was made to match the new with the original.</p>	<p>The Appraisal notes the importance of this traditional directional sign. An approach could be made to Essex County Council regarding the appropriate restoration of this feature.</p>

	<p><b>An Elmdon</b> resident notes that they were informed at the public consultation that both ECC and utility companies are exempt from conservation planning control and guidance. Some hope to get any change regarding the poles!</p> <p><b>An Elmdon resident</b> notes that financial constraints apply equally apply to individual homeowners and public and statutory authorities.</p>	<p>The situation regarding statutory undertakers is extremely complex. The highways authority or utility companies as statutory undertakers are granted several privileges regarding development and highways access. They are often exempt from planning permission for small works through the General Permitted Development Order, 1995, (Part 17, class A to J) and may also undertake works on public highways under the New Roads and Street Works Act 1991, (Sections 48 - 106). Officers consider the utility poles, as noted in the Appraisal, an unsightly element detracting from the character of the Conservation Area. The local community and Parish Council could enter to discussions with utility companies citing the recommendations of the Appraisal.</p> <p>Management proposals are made as suggestions for implementation by individual property owners, parish councils or other authorities as and when, funds might permit.</p>
<p>Planning Control and Good Practice: Important Open Spaces, Trees and Groups of Trees</p>	<p><b>Elmdon residents</b> have concerns that recent works to trees and hedges forming the entry to the churchyard from the village green and along the boundary of the churchyard with Ickleton Road have been undertaken without the relevant permission.</p>	<p>The Council's Landscape Officer has investigated the issue and concludes that the removal of the hedge was exempt from requiring formal notification to be served on the District Council. The Landscape Officer has met with church representatives regarding a programme of tree works and a Section 211 Notice detailing the</p>

	<p><b>Elmdon residents</b> are further concerned that at the same site the original flint wall which ran along the boundary under the brambles may also have been damaged/destroyed.</p>	<p>proposed works has been sent to the Council and is currently being considered.</p> <p>It is understood that the church authorities are looking to instigate an appropriate scheme of repairs and consolidation.</p>
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## 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 use of the document 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.

## 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 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 Elmdon 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.