

CABINET

26 NOVEMBER 2024

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: PUBLIC CONSULTATION FOR A PROPOSED DESIGNATION OF A CONSERVATION AREA AT CHESFIELD**

REPORT OF: SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: CLLR DANIEL ALLEN, INTERIM EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT

COUNCIL PRIORITY: THRIVING COMMUNITIES / SUSTAINABILITY

**1. EXECUTIVE SUMMARY**

1.1. The purpose of this report is to consider whether further public consultation should be undertaken on revised proposals for the designation of a Conservation Area at Chesfield.

**2. RECOMMENDATIONS**

2.1. That Cabinet:

**Either**

resolves to undertake further public consultation on the revised proposed boundaries for a Conservation Area at Chesfield and the draft Conservation Area Appraisal and Management Plan (CAAMP) and continue to progress work on the designation of a Conservation Area at Chesfield;

**Or**

resolves not to undertake further consultation and no further work is undertaken on the proposed designation of a Conservation Area at Chesfield.

**3. REASONS FOR RECOMMENDATIONS**

3.1. To ensure that the historic assets within North Hertfordshire are appropriately assessed and designated to inform decision making for planning applications and in the preparation of neighbourhood plans and our Local Plan.

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1. The Council could refrain from undertaking any further work on Conservation Areas or local heritage assets, but this would not reflect national policy or legislation which requires local authorities to review and monitor Conservation Areas from time to time and conserve local and designated assets.

## 5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Public consultation on the proposed boundaries for the proposed Chesfield Conservation Area and the draft Conservation Area Appraisal and Management Plan took place between December 2022 and February 2023 and the results were reported to [Cabinet in September 2023](#).

## 6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

## 7. BACKGROUND

- 7.1. Conservation Areas are designated by the Council in its role as Local Planning Authority. They exist to manage and protect the special architectural and historic interest of a place. Local planning authorities have a statutory duty to review designations “from time to time” to determine if any further parts of the District should be included within a Conservation Area.

- 7.2. Policy SP13 : Historic Environment in the Local Plan states that the Council will pursue a positive strategy for the conservation and enjoyment of the historic environment through periodic reviews of Conservation Areas and publication of detailed guidance. In paragraph 4.178 of the supporting text of that Policy it states that:

*Over the lifetime of this Plan, we will carry out a programme of work relating to our Conservation Areas with priority for locations with potential development pressures and where there have been significant changes since the designation was first made. The reviews will include the production of character statements and will provide opportunities to consider amending boundaries.*

- 7.3. In 2016, a heritage assessment for the proposed strategic housing allocation North of Stevenage (NS1) was commissioned, and included the recommendation that:

*North Hertfordshire District Council should consider designating a Conservation Area based upon Chesfield Park and Chesfield Church to adjoin the St Nicholas / Rectory Lane Conservation Area in Stevenage and preserve the significance of Chesfield Park.*

Details of this recommendation are set out in paragraph 8.14 of Cabinet report : Conservation Area Summary Report and Next Steps, [26 January 2021](#).

- 7.4. The Council commissioned consultants to undertake a preliminary assessment to establish whether the Chesfield area is of sufficient special or historic interest to designate as a Conservation Area. The work concluded that the area was of sufficient interest to prepare a draft Conservation Area Appraisal and Management Plan for Chesfield with a view to recommending a new Conservation Area be designated.
- 7.5. Cabinet approved the draft CAAMP and the proposed boundaries for a Conservation Area at Chesfield for public consultation in September 2022 with public consultation taking place between November 2022 and February 2023.

## 8. RELEVANT CONSIDERATIONS

- 8.1. Following the public consultation on the draft proposals for a Conservation Area and the draft CAAMP in February 2023, a report setting out the results of the public consultation and the proposed designation of a Conservation Area at Chesfield was considered by [Cabinet in September 2023](#). Cabinet resolved that a decision on the designation of the Chesfield Conservation Area should be deferred to clarify the proposed Conservation Area and to undertake further consultation based on the representations that had been received.
- 8.2. Since that meeting, our consultants have reviewed the boundaries of the proposed Conservation Area using the responses we received during public consultation and with the benefit of a site visit with the landowner at Chesfield Park. Following a site visit, Officers and our consultants have also discussed the revised suggestions for the proposed Conservation Area with one of the landowners affected.
- 8.3. The draft boundaries for the proposed Conservation Area included significant areas of woodland. It is recognised that this would have been an additional administrative burden for landowners as works for trees in Conservation Areas are subject to applications to the local planning authority. These areas have been re-assessed and the proposed boundaries for the Conservation Area have been re-drawn to exclude those significant areas of woodland.
- 8.4. The draft CAAMP has been amended to reflect these changes and is attached as Appendix A.
- 8.5. Several residents expressed their concerns about their permitted development rights if a Conservation Area is designated during the consultation. In response, we have drafted some information about permitted development in Conservation Areas which would be included as part of the information included for an additional public consultation should Cabinet decide to pursue the designation of the proposed Conservation Area. A copy of the information is attached as Appendix B.
- 8.6. The professional judgement of our consultants remains that the area is of sufficient interest to merit the designation of a Conservation Area and that the new boundaries maintain the integrity of the area's historic interest.
- 8.7. In terms of public consultation, an online consultation meeting was held with residents and the documents were available for further comments between November 2022 and February 2023. The responses received from the local community were wholly against the proposals to designate a conservation area. A schedule of the comments made was reported to Cabinet in September 2023.
- 8.8. In preparing the proposals for the proposed designation of the conservation area, Section 71 of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) requires that the local planning authority "shall have regard to any views concerning the proposals expressed by persons attending the meeting".
- 8.9. The Council Plan recognises that residents in our towns and villages are proud of their communities and states that the Council will continue to support local people to have a say in the future of where they live and on the issues that matter locally.

- 8.10. The local planning authority has a duty to consider the designation of conservation areas and there is sufficient professional advice to support the designation of a conservation area at Chesfield. However, there is also a duty to consider the views of the public affected by the proposals, which in this case is against the proposals. Therefore, Members are asked to instruct Officers in the best way to proceed given that there is a conflict between the professional advice and public opinion.

## **9. LEGAL IMPLICATIONS**

- 9.1. Under the Terms of Reference for Cabinet, the Constitution states that it may exercise the Council's functions as Local Planning Authority and receive reports on strategic planning matters, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 9.2. Section 69 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to designate areas which they consider possess architectural or historic interest worthy of preservation or enhancement as Conservation Areas. As part of this, section 71 of the Act requires the local planning authority to formulate and publish proposals for the preservation and enhancement of these areas, such as in the form of an appraisal document. It is also the Local Authority's duty to ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area when making planning decisions, as per section 72 of the Act.

## **10. FINANCIAL IMPLICATIONS**

- 10.1. The costs for the work on the Chesfield CAAMP and boundary review to date has been met from within the planning fees reserve. The cost of the CAAMP is around £12k.
- 10.2. If Cabinet recommend that further public consultation should take place, the costs will be limited as consultation will be targeted to those residents within the proposed Conservation Area and to statutory consultees and will be conducted online.

## **11. RISK IMPLICATIONS**

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. The designation of a Conservation Area and the preparation of a CAAMP for the Chesfield area will assist in promoting sustainable development in the future and will enhance the level of protection of the historic assets in that part of the District.

## **12. EQUALITIES IMPLICATIONS**

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are no known Equality implications that apply to this report.

### **13. SOCIAL VALUE IMPLICATIONS**

13.1. The Social Value Act and “go local” requirements do not apply to this report.

### **14. ENVIRONMENTAL IMPLICATIONS**

14.1. There are no known Environmental impacts or requirements that apply to this report.

### **15. HUMAN RESOURCE IMPLICATIONS**

15.1 There are no new human resource implications arising from the contents of this report. If Cabinet recommend that further public consultation is undertaken, this will be done within existing resources.

### **16. APPENDICES**

16.1. Appendix A : draft Chesfield Conservation Area Character Appraisal and Management Plan, October 2024

16.2. Appendix B: draft Permitted Development Rights leaflet

### **17. CONTACT OFFICERS**

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### **18. BACKGROUND PAPERS**

18.1. [Conservation Area Appraisal, Designation and Management, Historic England Advice Note 1, 2019](#)

18.2. [Cabinet report : Conservation Area Summary Report and Next Steps, 26 January 2021, Agenda Item 10](#)

- 18.3. [Cabinet report : Conservation Area Reviews, 21 June 2021](#)
- 18.4. [Cabinet report : Chesfield Conservation Area, 19 September 2023](#)
- 18.5. [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- 18.6. [Council Plan 2024 – 2028, North Herts Council, 2024](#)