

9. BUILT HERITAGE

9.1 Introduction

9.1.1 East Hertfordshire is fortunate in being in possession of an extremely rich heritage in terms of its man-made environment, having individual buildings, townscapes and villages of historic and architectural importance. Together with Scheduled Monuments, archaeological sites, historic parks and gardens, man-made waterways, and the natural landscape, these elements contribute significantly to the special character of the District and thus are worthy of preservation.

9.1.2 Strategic objectives and constraints on conservation are set out in the Planning Policy Guidance Notes and the Hertfordshire County Structure Plan. This chapter of the Local Plan sets out the more detailed planning control policies with respect to archaeology, Conservation Areas, listed buildings, and historic parks and gardens.

9.1.3 In considering development proposals in East Hertfordshire, special regard will be given to the conservation and enhancement of the District's historic fabric, whilst taking into account social needs, economic viability and vitality, the maintenance of local distinctiveness and diversity, and the need for sustainable development. The aims and objectives relating to these issues and policies are set out below:

Aims

- A. To protect the character and local distinctiveness of historic areas, man-made waterways, and buildings in both urban and rural settings;
- B. To encourage development proposals to be consistent with preserving and/or enhancing the historic environment fabric of the District; and
- C. To take full account in the process of conservation of the Planning (Listed Buildings and Conservation Areas) Act 1990, PPG15, PPG16 and the Hertfordshire County Structure Plan Review 1991-2011.

Objectives

1. To implement policies for Conservation Areas which preserve and enhance their character or appearance, through the exercise of control over development, demolition, and change of use;
2. To implement policies for listed buildings, which preserve and enhance their character, condition, and settings, through the exercise of control over demolition, extension or alteration, development affecting their setting, and change of use;
3. To support and promote the preservation of the character of historic areas, through the publication of design and technical guidance notes and development/design briefs;
4. To take a pro-active role in preserving and enhancing historic features of listed buildings and conservation areas, for example through the provision and administration of an Historic Building Grants Service; and
5. To identify and preserve archaeological remains of national and local importance.

9.2 Sustainability and the Historic Environment

9.2.1 For conservation of the historic environment, the language and concepts raised in the sustainability debate have much resonance. Older buildings generally have made better use of the energy and resources used in their construction, and reuse is usually more sustainable than demolition and redevelopment. These issues are discussed more fully in Chapter 2 (Sustainable Development). The pursuit of sustainability will take account of, and make a major contribution to, the conservation of both the historic environment and the wider environment, for the ultimate benefit of society.

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9.2.2 The following policies have been tested against the principles of sustainability, in ensuring that they contribute to the District Council's objective of achieving the most sustainable pattern of development currently practicable.

9.3 Archaeology

9.3.1 Archaeological remains form the oldest element of our built heritage and are often the only evidence of that part of our history for which no written records exist. There are over 1200 individual records of known archaeological sites and finds in the District, some of national or regional importance.

9.3.2 This is reflected in the District's 42 Scheduled Monuments, protected by law as sites of national importance. Around a further 300 sites are identified as 'Areas of Archaeological Significance' where there is particular evidence to indicate that significant remains are likely to exist.

9.3.3 The nature of archaeological evidence means that all areas of high potential may not have yet been identified. Important archaeological evidence may exist on any site, and thus may be at risk from proposed developments. The District Council, in conjunction with the County Archaeologist and relevant bodies, is determined to identify and protect all important remains through the use of appropriate policies and their implementation through the development control process.

9.3.4 PPG16 establishes how archaeological remains and interests should be taken into account by the planning system. Part A points out that remains are a finite, non-renewable resource vulnerable to damage and destruction in the development process. Part B of PPG16 requires Local Plans to include policies for the protection, preservation and enhancement of archaeological sites. Paragraph 21 of PPG16 points out that where important archaeological remains are likely to exist, it is reasonable for the planning authority to request a field evaluation be carried out prior to determining a planning application.

9.3.5 Not all surviving archaeological remains are of equal importance and Policies BH1 and BH2 reflect this hierarchy. Policy BH1 contains a presumption against development that will adversely affect a site containing archaeological remains of national importance. Where locally important archaeology is deemed by way of an assessment to be rare in regional or local terms, then the Council will decide whether to protect the site and its setting from development or to record the remains prior to development, in accordance with the provisions of Policy BH2.

BH1 Archaeology & New Development

Development will not be permitted where the Council considers that it will adversely affect archaeological sites of national importance, whether scheduled or unscheduled, and their setting.

BH2 Archaeological Evaluations and Assessments

On sites where it is demonstrated that there are remains of archaeological importance, whether of national or local significance, the applicant will be expected to provide the results of an archaeological evaluation and/or assessment prior to the determination of an application. The evaluation and/or assessment should seek to define:

- (a) the nature and condition of any archaeological remains within the application site; and
- (b) the likely impact of the proposed development on such features.

On the basis of the results of the evaluation and/or the assessment, the Council will consider the most appropriate means of mitigating the impact of the development on the historic environment in order to achieve preservation in situ or, where this is not merited, the measures needed to secure the recording of any remains prior to development.

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BH3 Archaeological Conditions and Agreements

- (I) Where development is permitted on sites containing archaeological remains, any planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the publication of the results.
- (II) The enhancement of archaeological remains and their setting will be sought by way of a planning obligation in circumstances where such works are necessary and relevant to the development proposed.

9.4 Conservation Areas

9.4.1 In line with Section 71 of the 1990 Act, Conservation Area designation represents a commitment by the District Council to formulate and publish proposals for the preservation and enhancement of the character and appearance of areas of special architectural or historic interest. Section 72 of the 1990 Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area through the exercise of planning functions.

9.4.2 Conservation Areas vary widely in character, as the various elements interact in a complex way to create a unique "sense of place". Elements such as the form and massing of buildings, the spaces between them, street patterns, land use, topography, and landscaping all have a role to play. Although not a statutory requirement, the District Council is producing a series of Character Statements for many of the District's Conservation Areas. These Statements identify the significance of the various elements as they contribute to the character of an area. As advised in PPG15 (para 4.15), it is the intention of the Council to define, protect and, where appropriate, enhance such features where they contribute to the character of the area. A Conservation Area design framework will be produced in order to establish a high quality

and consistent approach to the design of new buildings in Conservation Areas. This is especially important where the settings of listed buildings are affected.

9.4.3 PPG15 reminds Local Planning Authorities that it is their duty under Section 69(2) of the 1990 Act to undertake periodic reviews of their Conservation Areas to ensure that they are still of special interest. Where subsequent development has eroded that interest, then boundary revisions, or even cancellation, may be appropriate. Designation of new, and boundary revisions of existing, Conservation Areas will be pursued separately from the Local Plan making process, in accordance with PPG15 (para 2.9) advice.

9.4.4 The District Council will give consideration to the designation of new Conservation Areas and the alteration of existing Conservation Area boundaries following appropriate public consultation.

9.4.5 In order to maintain the high standard of special architectural or historic interest of Conservation Areas, the District Council will review designated boundaries and advance proposals for their alteration where appropriate.

9.4.6 Conservation Area designation introduces control over the demolition of most buildings within Conservation Areas (Section 74 of the 1990 Act). PPG15 (para 4.27) confirms the general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Proposals to demolish such buildings will be assessed against the same broad criteria as proposals to demolish listed buildings. Where it is agreed the building makes little or no such contribution, full details will be required of the proposed future of the site with the aim of preserving or enhancing the Conservation Area.

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BH4 Demolition in Conservation Areas

Proposals for the demolition of a structure in a Conservation Area will be permitted where:

- (a) the structure to be demolished makes no positive contribution to the character, appearance or setting of a Conservation Area and the proposed replacement use or structure preserves or enhances the Conservation Area; and
- (b) where appropriate, detailed proposals for the site's use or redevelopment have been granted planning permission.

9.4.7 While the preservation or enhancement of the character or appearance of a Conservation Area is a major consideration, this should not take the form of preventing new development. The emphasis is on the controlled and positive management of change in ensuring any new development accords with the area's special architectural and historic interest. The following policies are intended to reflect this approach.

BH5 Extensions and Alterations to Unlisted Buildings in Conservation Areas

Proposals to extend or alter an unlisted building in a Conservation Area which require planning permission will be permitted where they are sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the building itself, adjacent buildings and the general character and appearance of the area.

9.4.8 Many Conservation Areas possess sites and/or buildings that make no positive contribution to, or even detract from, the area's appearance or character. Redevelopment of such sites should provide the stimulus for high quality designs and those proposals which positively enhance a Conservation Area will be encouraged.

BH6 New Developments in Conservation Areas

New developments in or adjacent to a Conservation Area will be permitted where:

- (a) they are sympathetic in terms of scale, height, proportion, form, materials, and siting in relation to the general character and appearance of the area or are otherwise of such quality as to be highly likely to enhance the character and appearance of the area;
- (b) those open spaces, trees, and other landscape features materially contributing to the character or appearance of the area are not affected to the significant detriment of that area;
- (c) historically significant development features such as the street pattern, boundary walls, and street furniture are wherever possible retained; and
- (d) important views within, into, and out of the Conservation Area or its setting are respected.

9.4.9 In maintaining a high standard of environmental quality in Conservation Areas, the Council is committed to ensuring that environmental improvement schemes are implemented and are of sufficient standard, in both design and materials, to preserve or enhance the environment and street scene. The District Council will pursue environmental improvement schemes within Conservation Areas subject to the limit of available resources. Traffic calming measures are supported in principle, but have the potential, particularly in rural areas, to inflict severe damage on the street scene, unless carefully designed and using appropriate materials. Other installations that are visually detrimental to Conservation Areas in the absence of a careful approach to their design include signage, overhead cables, and refuse bins.

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BH7 Street Furniture and Traffic Calming in Conservation Areas

The District Council will endeavour to ensure that within the requirements of current highway legislation and without prejudice to the safety of the users of the highway:

- (a) street furniture is kept to an appropriate level, carefully sited and designed;
- (b) traffic calming schemes are carefully designed with close regard to the surrounding environment. Signage and road markings should be kept to a minimum and materials of construction be of an appropriate type, quality, and colour.

BH8 Statutory Undertakers Works in Conservation Areas

In co-operation with statutory undertakers the District Council will make special efforts to ensure that careful attention is paid to the external design, siting, detailing, and (where appropriate) screening of service provision control structures and the placing or burying of cables.

9.5 Listed Buildings

9.5.1 Listed buildings are those of special architectural or historic interest the Secretary of State considers the character of which it is desirable to preserve, or any object or structure within the curtilage of a listed building since before 1 July 1948. Listed buildings form a nationally important and irreplaceable resource in representing the best of the country's historic and architectural heritage. Government guidance and legislation regarding listed buildings are mainly contained in PPG15 and the 1990 Act. Therein are established two important principles relating to their conservation:

- (1) there is a statutory requirement that Local Planning Authorities should have special regard to the desirability of preserving a listed building and its setting, or any special historic or architectural features it may possess; and

- (2) there is an emphasis on their active use, particularly economic use, as the best way of securing their upkeep and future.

9.5.2 Policies relating to listed buildings will therefore demonstrate the Council's commitment, in the light of the detailed advice given in PPG15 and duties under the 1990 Act, to paying special regard to the desirability of preserving the character of such buildings and their settings, their historic and archaeological value, as well as to their sympathetic maintenance and repair. Where features of historic interest are to be lost through alteration or demolition, provision should be made for the adequate recording of such features. Control will be exercised over:

- demolition;
- extension or alteration;
- change of use; and
- development affecting their setting.

Further Information has been published by the Council in its leaflet 'Listed Buildings'.

9.5.3 The complete destruction of a listed building is seldom necessary. It is a wholly exceptional step and requires the strongest justification. Consent for total demolition will never be given without clear and convincing evidence that all reasonable efforts to find viable uses for the building have failed, or that redevelopment would produce substantial gains for the community that would outweigh the loss resulting from demolition.

BH9 Demolition of a Listed Building

- (I) Proposals involving the demolition of a listed building will only be permitted in exceptional circumstances where:
 - (a) it is clearly demonstrated not to be practicable to continue to use the building in its current or previous use;
 - (b) it is clearly demonstrated not to be practicable to find another viable use for the building;

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- (c) demolition will not cause material harm to the structure or setting of any other listed building; and
 - (d) where relevant, the character and appearance of the Conservation Area will be preserved or enhanced.
- (II) Where, exceptionally, consent is granted for the demolition of a listed building:
- (a) demolition shall not take place until detailed proposals for the site's future use have been granted planning permission and a contractual obligation signed to undertake those works; and
 - (b) where appropriate, a suitable programme be arranged to record those features of historic interest that would be lost in the course of the demolition works.

9.5.4 The fabric of listed buildings is often of significant historic and technical interest. In considering applications for listed building consent, the District Council will seek to ensure that the loss or damage to historic fabric is minimised in the execution of the works permitted. Listed buildings are also often a refuge for protected species such as bats, barn owls etc (see section 8.13). Their presence will also be a consideration in the determination of such applications. The District Council's Guidance Notes offer detailed advice on the preservation and/or recording of historic details, materials and techniques, as well as sympathetic repair methods.

BH10 Extensions or Alterations to a Listed Building

Development involving proposals to extend or alter a listed building will be permitted where:

- (a) it would not result in the damage or loss of features of special architectural or historic interest;

- (b) the character and appearance or setting of the building would be preserved or enhanced.

9.5.5 While the original use for which a listed building was designed is often the best use for its preservation, there are occasions when a change of use is necessary to secure its long-term economic future. The emphasis should be on conserving its intrinsic character and contribution to the wider environment. Such proposals, including proposals for repair or cleaning of the historic structure, must have regard to the preservation or enhancement of the special character and appearance of the listed building. (See also Policy GBC9 'Adaptation and Re-use of Rural Buildings').

BH11 Conversion or Change of Use of a Listed Building

Proposals for the conversion or change of use of a listed building, in whole or in part, will be permitted where the character or appearance of its special architectural or historic interest or its setting will be preserved or enhanced.

9.5.6 Protecting the setting of a listed building can be as important as retaining the historic fabric and interest of the building itself. The setting is often an essential part of the building's character, especially if the gardens, ancillary buildings or hard landscaping have been laid out to complement its design or function. Development proposals that affect the setting of a listed building must therefore be carefully designed through the massing, materials and location to preserve or enhance the architectural or historic interest of the building. In the case of groups of listed buildings, the introduction of new buildings such as garages, greenhouses or summerhouses, which weaken or obscure the character of the original grouping must be avoided.

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BH12 Development Affecting the Setting of a Listed Building

Applications that affect the setting of a listed building will be permitted, provided that the setting is preserved or enhanced. Where it is considered that a development proposal will have a significant adverse impact on, or there would be an unacceptable loss of, or damage to, curtilage buildings, trees, or other landscape features, the application will not be permitted.

9.6 Disabled Access Facilities

9.6.1 PPG15 states it is an important principle that disabled people should have dignified easy access to, and within historic buildings. If treated as part of an integrated review of access for all visitors, it should normally be possible for well-designed access facilities to be installed without compromising the historic building's special character. The chief constraint in conservation terms will arise from the design of the building's facade or setting. Where the proposed installation of ramps, handrails, or lifts would lead to unacceptably damaging alterations, other options should be explored; for example, through the adaptation of a secondary entrance.

BH13 Disabled Access to an Historic Building

- (I) The District Council will view sympathetically proposals to enable public access to, and within historic buildings. The design of such proposals will be considered against their potential impact on those features of historic, architectural or archaeological interest, or the setting of the building.
- (II) Where a permanent construction to enable public access to and within historic buildings is not practicable, the design of temporary facilities should be approached in the same manner as permanent ones in order to minimise their visual impact and provide the greatest degree of integration and independence.

9.7 Shopfronts and Advertisements

9.7.1 Many of the District's larger Conservation Areas cover town centres, where the frontages to shops and commercial premises play a key role in defining the character and quality of an area. The Council seeks to maintain the highest quality environment consistent with commercial and economic considerations.

9.7.2 Maintaining a high quality environment in town centres cannot be compromised by the introduction of indiscriminate and/or unsympathetic advertisements and illumination. These considerations are even more important in Conservation Areas, where the levels of signage and lighting must be sensitive to the character of such areas. Poster hoardings, for example, are seldom appropriate in Conservation Areas. On listed buildings, listed building consent may also be required.

BH14 Shopfronts in Conservation Areas

- (I) Proposals for new shopfronts or alterations to existing ones will be permitted where the proposed design is sympathetic to the scale, proportions, character, and materials of the structure, adjoining buildings, and the street scene in general.
- (II) Shopfronts of architectural or historic interest shall be retained and repaired as necessary.
- (II) Proposals for new or replacement fascia will be permitted where:
 - (a) the design and depth would not be detrimental to the proportions or scale of the existing building or shopfront;
 - (b) the design would not link two or more buildings with separate architectural identities; and
 - (c) on a single building serving two or more shop units, would be of single depth or design.

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BH15 Advertisements in Conservation Areas

In its consideration of applications within Conservation Areas for express consent made under the Town and Country Planning (Control of Advertisement) Regulations, the District Council will only accept advertisements where they:

- (a) are either painted or individually lettered in a suitable material of an appropriate size and design in relation to the building or fascia upon which they are to be displayed;
- (b) shall preferably be non-illuminated. Where illumination is proposed as necessary it should be discreet in size and of a minimum level;
- (c) are a form that shall be of a traditional fascia or hanging type;
- (d) other than in the most exceptional circumstances, be of an appropriate size necessary to convey their message.

9.8 Historic Parks and Gardens

9.8.1 Historic parks and gardens, whether or not they are associated with an historic building, play an important role in the cultural experience of the natural and man-made environment. English Heritage has prepared a Register of Parks and Gardens of Special Historic Interest, including 15 gardens within East Hertfordshire and which are defined on the Proposals Map. This highlights their importance as landscapes of special value to be safeguarded during the on-going management process, or if there are to be any changes which could affect them detrimentally. Further information on historic parks and gardens located in the District can be found in the Landscape Character Assessment Supplementary Planning Document and the Historic Parks and Gardens Supplementary Planning Document.

9.8.2 Paragraph 2.24 of PPG15 states that although no additional statutory controls follow the inclusion of a site in the Register, Local Authorities should protect them through policies in

the Local Plan from development that affects their character or setting. This status will be a material consideration in the determination of planning applications. PPG15 also allows scope for the identification of locally important historic parks and gardens that make a contribution to the heritage of the District. Further details are available in the Historic Parks and Gardens Supplementary Planning Document.

9.8.3 While inappropriate development will be resisted, there may be circumstances where carefully planned development may assist in the restoration of historic landscapes through the use of conditions or planning agreements. The integrity of an historic landscape depends on coherent and consistent long-term management for the whole site, given that fragmentation of ownership can lead to long-term degradation.

BH16 Historic Parks and Gardens

- (I) On sites listed in English Heritage's 'Register of Historic Parks and Gardens' and other locally important sites, development proposals that significantly harm their special historic character, appearance or setting will not be permitted.
- (II) Where appropriate and well-researched, the District Council will encourage proposals for the repair, restoration and management of historic parks and gardens.

9.9 Enabling Development

9.9.1 'Enabling development' may be defined as development promoted primarily as a way of saving an important listed building, registered garden or Scheduled Monument that is neglected, dilapidated, or otherwise perceived to be 'at risk'. Such development can be regarded as an established and useful planning tool by which the community may be able to secure the future of a heritage asset, provided that, on balance, the benefit outweighs the disbenefits. It can make a major contribution to regeneration strategies.

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9.9.2 Many applications affect historic buildings and places, and should, subject to conforming to other planning policies, either enhance or preserve their integrity. Occasionally, however, enabling development is proposed which, whilst it would achieve the preservation or secure the future of an historic structure or landscape, would normally be rejected as clearly contrary to other national or local planning policies. Very special circumstances must therefore exist in order to justify why development, which would otherwise be regarded as inappropriate, should be permitted. The objective of such applications is to provide funds for repairs that cannot be generated from any other source. So unlike most planning decisions, the financial consequences of the granting of planning permission are not only relevant but fundamental to the decision-making process. English Heritage's Policy Document 'Enabling Development and the Conservation of Heritage Assets' (June 2001) covers this issue in much more detail.

9.9.3. The following policy is intended to highlight the District Council's view that exceptional circumstances need to exist; that the historic integrity of the site is not compromised by the development proposed; that the ability of the scheme to produce the desired result can be clearly demonstrated; and community gain outweighs the disbenefits.

BH17 Enabling Development

- (I) Development proposals defined as 'enabling development' will be considered only where all of the following criteria are met:
- (a) the development would not materially detract from the archaeological, architectural, historic, landscape or nature conservation interest of the site or its setting;
 - (b) it has been clearly demonstrated that all other potential options have been fully evaluated;

- (c) the proposal avoids detrimental fragmentation of the management of the site;
 - (d) the enabling development will secure the long-term future of the site;
 - (e) it is clearly demonstrated that the amount of enabling development is the minimum necessary to secure the future of the site; and
 - (f) the value to the community of the resulting development and the enhanced historic interest of the site clearly outweigh the disbenefits of providing the enabling development.
- (II) Subject to the proposed enabling development meeting the criteria listed in (I) above, planning permission will be granted where:
- (a) the impact of the development is precisely defined at the outset, through the submission of full, rather than outline applications;
 - (b) with reference to Government guidance on Planning Obligations (or as subsequently revised), the objective of the preservation of the historic interest of the site is securely and enforceably linked to the planning permission;
 - (c) the historic interest is restored to an agreed standard, or funds made available to secure this aim, prior to the occupation of the enabling development.