

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET PLANNING AND PARKING PANEL – 22 JUNE 2023  
REPORT OF THE ASSISTANT DIRECTOR – PLANNING

LEMSFORD VILLAGE CHARACTER ASSESSMENT AND CONSERVATION AREA DESIGNATION

**1 Executive Summary**

- 1.1 Under national planning policy guidance and advice by Historic England, Local Planning Authorities (LPAs) are required to review their areas and formulate and publish proposals for the preservation and enhancement of conservation areas. LPAs should also consult the public and take account of views expressed.
- 1.2 A review of the Lemsford area was undertaken by the Council's heritage consultant, Essex Place Services, and a Draft Character Assessment was produced. The assessment identified areas of special architectural or historic interest within the Lemsford area and included a discussion on the suitability of conservation area designation as well as a suggested conservation area boundary.
- 1.3 A six-week consultation was carried out on the Draft Character Assessment, seeking the views of residents, local businesses, local interest groups and statutory consultees on the content of the Draft Character Assessment and whether the recommendation to designate as a conservation area was supported.
- 1.4 The representations received were largely in support of designation of the Lemsford area as a conservation area. The comments received have been considered by officers in conjunction with Council's consultant Place Services, and a final version of the Character Assessment has been produced. This includes a slightly amended conservation area boundary in response to the comments received.
- 1.5 The final version of the Character Assessment is included in Appendix 1, a schedule of properties within the proposed conservation area is included in Appendix 2, a document summarising the consequences of designation in terms of permitted development rights is included in Appendix 3, and a summary of the consultation representations received is included in Appendix 4.

**2 Recommendation(s)**

- 2.1 That the Cabinet Planning and Parking Panel (CPPP) notes the results of the public consultation which took place for six weeks in February and March 2023.
- 2.2 That this Panel recommends to Cabinet and Council that the Lemsford Character Assessment is adopted and Lemsford is designated as a new conservation area.

**3 Explanation**

- 3.1 Lemsford does not currently benefit from conservation area designation. Welwyn Hatfield Borough Council has appointed Place Services to assess the suitability of the Lemsford area for conservation area designation.

- 3.2 Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, 'local planning authorities must review their conservation areas from time to time... and determine whether any parts or any further parts of their area should be designated as conservation areas'. Resources permitting, it is advised that every five years is ideal, but review frequency will vary according to the development pressures in the local area. The Character Assessment provides baseline information for consideration of whether to designate the area as a conservation area.
- 3.3 The Character Assessment seeks to identify the special architectural and historic interest of the Lemsford area, includes a discussion on the suitability of conservation area designation, under the provisions set out in the Planning (Listed Building and Conservation Areas) Act 1990, and suggests a boundary for potential conservation area designation.
- 3.4 The assessment that has been undertaken follows best practice guidance, including Historic England's revised Historic England Advice Note 1 for Conservation Area Appraisal, Designation and Management (2nd Edition 2019) and The Setting of Heritage Assets (2nd Edition 2017).
- 3.5 The assessment of the Lemsford area and the production of the Lemsford Character Assessment are part of a wider aim by Welwyn Hatfield Borough Council to preserve or enhance the special character and appearance of areas of historic interest within the borough as required by the Planning (Listed Buildings and Conservation Areas) Act 1990. It will also enable sustainable decisions to be taken about the future management of the area and any heritage assets within it.
- 3.6 Following consideration at CPPP, it was unanimously agreed by CPPP and confirmed by Executive Member decision to proceed to consultation on the Draft Character Assessment for Lemsford.
- 3.7 Consultation on the Draft Character Assessment ran for six weeks, from 1<sup>st</sup> February to 15<sup>th</sup> March 2023. In line with the Council's Statement of Community Involvement, notification letters were sent to owner/occupiers within a broad radius around Lemsford village. A number of statutory consultees and local interest groups were also sent consultation letters, and local councillors were notified. In addition, consultation documents were placed at deposit points within the Parish, details of the consultation were published on the WHBC website and a public notice was printed in the Welwyn Hatfield Times and the Herts Advertiser. To aid understanding, a Frequently Asked Questions document was included with the consultation documents on the consultation webpage and placed at the deposit points.
- 3.8 The online questionnaire asked respondents whether they had any comments on the content of the Draft Character Assessment, whether they agreed with the proposal to designate Lemsford as a conservation area, whether they agreed with the proposed boundary for the conservation area, and whether they had any other comments.
- 3.9 The consultation attracted 17 responses, from a mix of residents, organisations and statutory consultees. A report on the consultation is attached at Appendix 4, but in summary:
- A total of seventeen responses were received; nine from individuals who lived or worked in the area, two from agents/trustees representing

landowners, and six from consultees/organisations (of these six, two were merely acknowledgements and had no wish to comment).

- Of the responses received, 13 were broadly supportive of the proposal to designate Lemsford as a conservation area, three did not comment on this aspect of the proposal, and one was not in support of designation.
- Regarding the proposed boundary, nine respondents suggested alterations to the boundary, the majority of which suggested it cover a larger area, but some (Historic England) recommended a tighter boundary.
- Comments received relating to the content of the Draft Character Assessment included queries over the process of assessing the existing built form, particularly in identifying key buildings and consideration of non-designated heritage assets; the need to make greater reference to archaeology and below ground heritage assets; and some clarification of details within the document, such as descriptions of buildings or dates.
- Comments also covered a range of other matters, for example relating to highways such as speed limits, traffic calming measures, parking, reopening of footpaths, width of pavements, or ecology such as consideration of wildlife, local nature reserves, grass verges and the River Lea chalkstream.
- A small number of the responses raised concerns (one of which did not support the proposal to designate). Concerns centred around whether conservation area designation was appropriate to protect local heritage assets in the Lemsford area, that designation would sterilise the area from future development or prevent alterations to properties, that the Character Assessment lacked sufficient detail or was not robust enough to meet the appropriate tests (particularly with reference to non-designated heritage assets), and that insufficient consultation had been undertaken.

- 3.10 As part of the process of considering the comments received, Place Services, the Council's heritage consultants were consulted. A consultation report summarising the points raised and the Council/Heritage Consultant's response to these points is attached in Appendix 4.
- 3.11 In response to the comments received regarding the conservation area boundary, Place Services has reconsidered the boundary and made adjustments where appropriate. Justification for the proposed boundary and whether or not areas are included or excluded is set out in the Final version of the Character Assessment (see Appendix 1). Where areas have been excluded from the boundary, they may still contribute to the special interest of the area in terms of the setting of the conservation area. A schedule of properties within the proposed conservation area is provided in Appendix 2.
- 3.12 In response to the comments raised about the content of the Draft Character Statement, amendments have been made to the Final version of the document (see Appendix 1). These amendments include some additional detail regarding the scope of the document, extent of the conservation area, identification of heritage assets, as well as some minor corrections and clarifications.
- 3.13 Regarding the other matters raised, such as those relating to highways and ecology, these do not fall directly within the scope of the Character Assessment which is to assess whether or not designation is recommended. However, further

consideration of these matters may be possible to some extent as part of a more detailed Conservation Area Appraisal and Management Plan (CAAMP). Production of a CAAMP is a recommendation in the Next Steps section of this report.

3.14 With reference to the concerns raised:

- Additional wording has been included in the final version of the Character Assessment to explain why conservation area designation is considered appropriate to protect local heritage assets in the Lemsford area.
- The Character Assessment has been updated to clarify the implications of designation (which would help shape rather than prevent future development in the area). This was set out in the FAQs document, and for further clarification a summary of national permitted development rights in conservation areas is set out in Appendix 3.
- The Character Assessment has followed best practice guidance from Historic England and contains sufficient detail for designation. The section on identification of non-designated heritage assets has also been updated. Production of a more detailed Conservation Area Appraisal and Management Plan is a recommendation of the Character Assessment.
- According to the Planning (Listed Buildings and Conservation Areas) Act 1990, consultation is not a requirement for designation, but in this instance has been undertaken in the interests of following best practice. Details of the consultation are set out above and are in accordance with the Statement of Community Involvement.

3.15 Implications of a decision to designate are set out below in sections 4 to 15 of this report. Of particular note are the implications for planning policy and decisions in section 6 which outlines that planning permission may be required for some development and demolition within a conservation area, or an application for works to trees.

3.16 To aid understanding of the implications of conservation area designation, in terms of the impact on national permitted development rights within a conservation area, a summary is included in Appendix 3.

### **Next Steps**

3.17 If the recommendation to designate is approved by this Panel, Cabinet and Council, Lemsford will proceed to be designated as a conservation area. There are a number of notifications to be carried out as statutory requirements of designation, as set out in the Legal Implications section below.

3.18 As best practice, it is also recommended that notification letters are sent out to local owner/occupiers of properties within and just outside the proposed conservation area boundary, as well as other interested parties, as set out in the Communication and Engagement Implications section below.

3.19 If designated, the Lemsford Character Assessment will be adopted and will be a material consideration in the assessment of planning applications.

3.20 At a later date, it is recommended that a Conservation Area Assessment and Management Plan (CAAMP) is commissioned. A CAAMP is a more detailed

heritage appraisal of the area which aims to guide future design and development, and includes a management plan to help preserve/enhance the special architectural and historic interest of the area. The document would be subject to consultation and public engagement prior to adoption.

## **Implications**

### **4 Legal Implication(s)**

- 4.1 Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Council must advertise the designation of a conservation area via an advert in a local newspaper and the London Gazette, and must inform Historic England and the Secretary of State in the Department for Levelling Up, Housing and Communities.
- 4.2 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the designation of a conservation area must be registered as a local land charge on all properties within the conservation area boundary.

### **5 Financial Implication(s)**

- 5.1 There are no financial implications arising directly in relation to this report. The cost of notifications for designation will be met through existing budgets.
- 5.2 Should the conservation area be designated, the properties within the conservation area would, in some cases, lose permitted development rights (PD). This would mean certain works and some demolition would require planning consent, or consent for tree works.
- 5.3 The financial implications of designating a conservation area are that anyone wishing to undertake works to properties where PD rights have been removed would need to apply for planning permission and pay the associated fee. The Council will receive these fees and although this may have some impact in terms of the number of applications received/officer workload, this is unlikely to be significant.
- 5.4 For works to trees in a conservation area, a 'Notification of Proposed Works to Trees in Conservation Areas' application is required for which no fee is charged.
- 5.5 The recommendation to produce a Conservation Area Appraisal and Management Plan (CAAMP) at a later date would have a cost implication as this would need to be carried out by a heritage consultant.

### **6 Policy Implications**

- 6.1 The designating Lemsford as a conservation area are that policies will be in place to preserve and enhance its character and to resist poor quality development proposals that harm its character or setting. If the designation is agreed, the Character Assessment will become a material consideration in the determination of planning applications.
- 6.2 The designating Lemsford as a conservation area are that it will remove some nationally permitted development rights. Those wishing to make changes to the external appearance of their property, to undertake some forms of demolition or to carry out works to a tree would need planning permission/consent for tree works.

The Council could take enforcement action against breaches of planning control and will rank breaches as a higher priority than those not in a conservation area.

- 6.3 Applications for planning permission are subject to a fee, whereas notifications of proposed works to trees in a conservation area are free of charge.

## **7 Risk Management Implications**

- 7.1 There are no risk management implications arising directly in relation to this report, although it should be noted that one respondent has opposed the designation of the conservation area.
- 7.2 However, having an up to date Character Assessment and designation as a conservation area helps to protect areas of special architectural and historic interest from inappropriate development.

## **8 Security and Terrorism Implication(s)**

- 8.1 There are no security and terrorism implications arising directly in relation to this report.

## **9 Procurement Implication(s)**

- 9.1 Place Services provide heritage advice to the Council through a service level agreement.

## **10 Climate Change Implication(s)**

- 10.1 There are no direct climate change implications associated with this report. It should be noted however that the designation of a conservation area means that some permitted development rights relating to energy efficient technologies are more limited and some works may require planning permission.

## **11 Human Resources Implication(s)**

- 11.1 There are no Human Resources implications arising directly in relation to this report. The process of designation will be managed by the planning and land charges teams. The process of notifications will be managed by the planning and communications teams.

## **12 Health and Wellbeing Implication(s)**

- 12.1 There are no direct health and wellbeing implications associated with this report. The protection and enhancement of the character of the Lemsford area as a conservation area may contribute to the wellbeing of residents.

## **13 Communication and Engagement Implication(s)**

- 13.1 Should Council approve designation of Lemsford as a conservation area, as best practice, it is recommended that notification letters confirming the designation of Lemsford as a conservation area be sent to all properties within and nearby the designated area, to other interested parties, and the information be published on the WHBC website.
- 13.2 This is in addition to the statutory requirements for notification set out in the Legal Implications section above.

13.3 As noted above, the cost of these notifications would be met through existing budgets.

#### **14 Link to Corporate Priorities**

14.1 The subject of this report is linked to the Council's Corporate Plan, in particular Priority 4: A sense of community where people feel safe - Design and maintain attractive neighbourhoods which our communities can enjoy and take pride in.

#### **15 Equality and Diversity**

15.1 An Equalities Impact Assessment (EqIA) was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

**10<sup>th</sup> May 2023**

Elizabeth Burnham  
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**Background papers:** None

#### **Appendices**

Appendix 1: Lemsford Character Assessment – Final version

Appendix 2: Schedule of properties

Appendix 3: Implications of conservation area designation

Appendix 4: Summary of consultation responses

Appendix 5: Conservation area boundary map