



Colchester

# Birch Conservation Area Appraisal and Management Proposals

## **CONSULTATION DRAFT**

March 2018



# Birch Conservation Area Appraisal and Management Plan



# Birch Conservation Area Appraisal and Management Plan Timeline

12 Oct 2017	Field survey
2 Nov 2017	Field survey
20 Nov 2017	First draft
18 Jan 2018	Final draft
19 Mar 2018	Presented to Local Plan Committee and approved for public consultation
	Public consultation period
	Amended final draft
	Presented to Local Plan Committee and approved for adoption as Planning Guidance
	Published as Planning Guidance
2023	First review date



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**The PLACE Team**  
**Colchester Borough Council**



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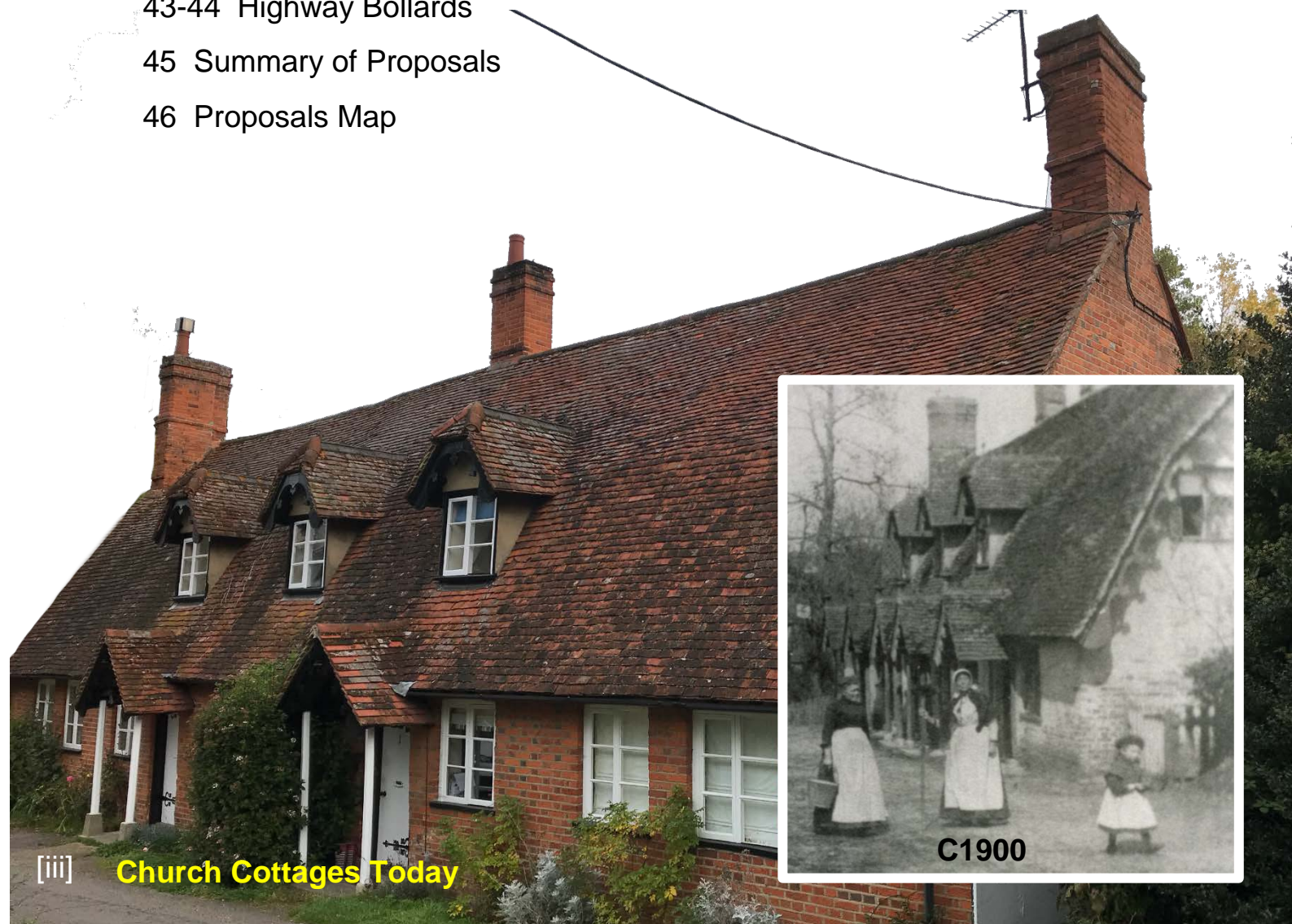
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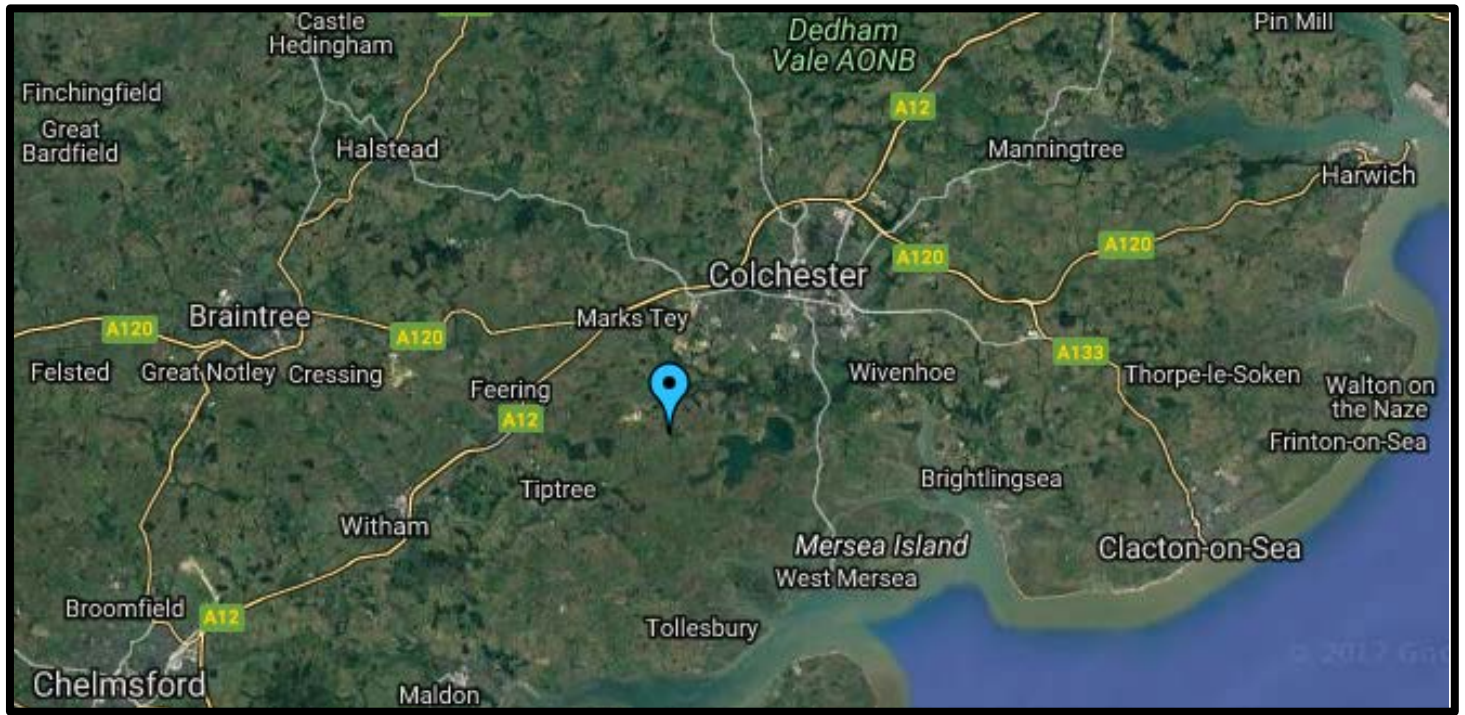
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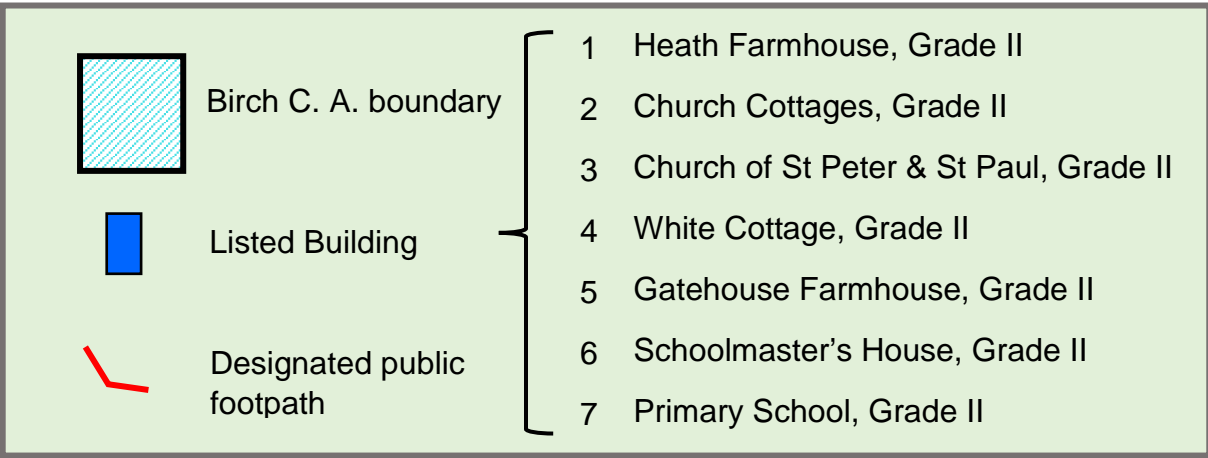
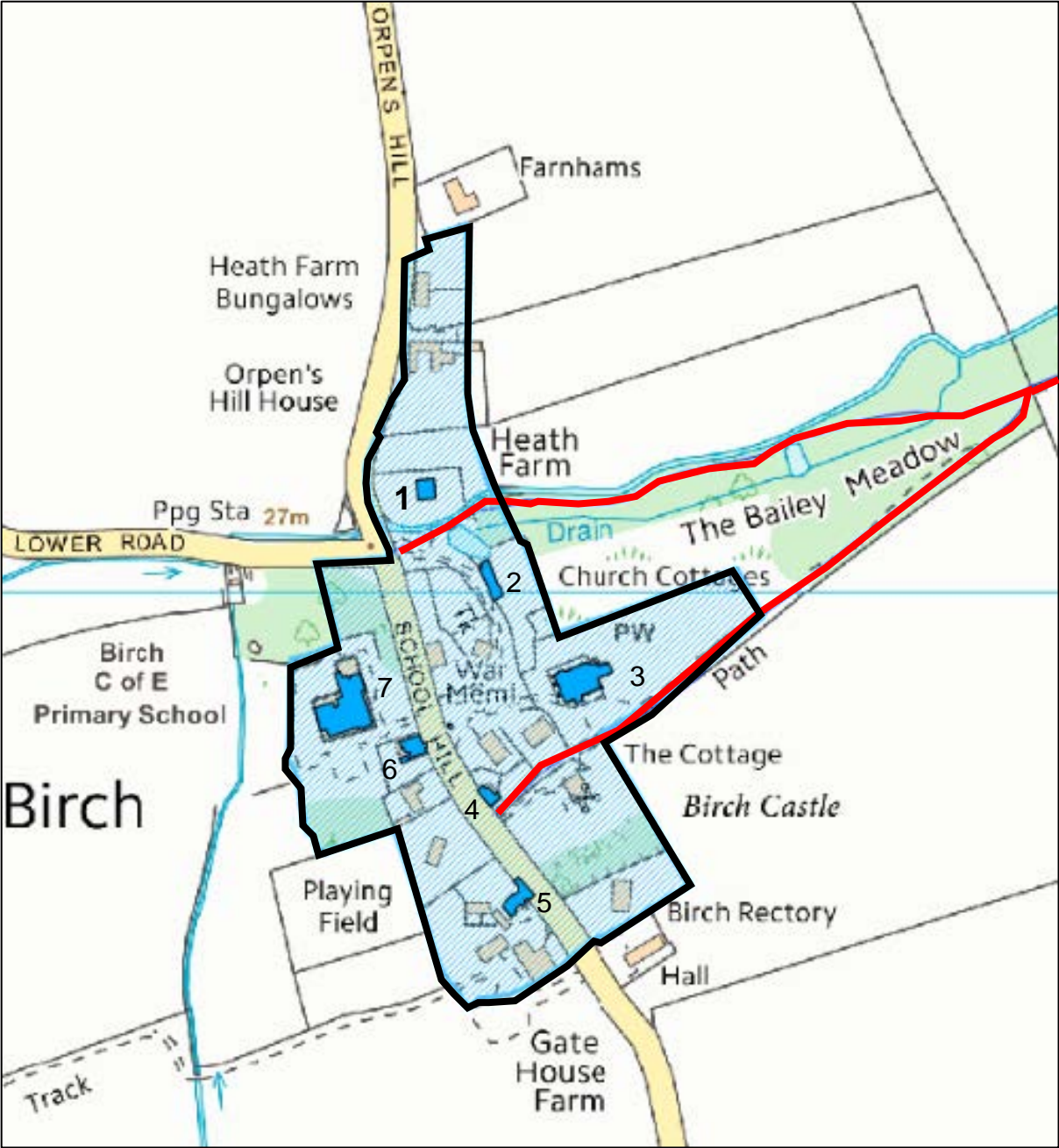


# General Location of Birch, Colchester, Essex





# Birch Conservation Area Boundary



## Character Appraisal and Management Proposals

DELIBERATELY NO TEXT HERE

[please note that descriptions St Peter's, St Peter's church and the church of St Peter and St Paul are used interchangeably and refer to the same building]

**Approaching Birch from the north along Orpen's Hill through the agricultural hinterland**





# Birch Conservation Area:

## PART 1: CHARACTER APPRAISAL

### 1.1 POLICY CONTEXT

Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to formulate and publish proposals for the preservation and enhancement of conservation areas.

In response to these statutory requirements, this document defines and records the special architectural and historic interest of the Birch Conservation Area and identifies opportunities for enhancement. It is in conformity with Historic England guidance as set out in "Conservation Area Designation, Appraisal and Management Historic England Advice Note 1."

The document has also been drafted having regard to National Planning Policy Framework [NPPF] and National Planning Policy Guidance [NPPG].

This document should be read in conjunction with the wider development plan policy framework produced by Colchester Borough Council. These documents include:-

- The Adopted Colchester Borough Local Plan [2008, 2010 & revised 2014]; and,
- Submission Draft Local Plan 2017.

The Birch Conservation Area is not currently subject to any Article 4 Direction/s relating to dwellings but the area is subject to an Article 4 [4 November 1982] restriction on the formation of agricultural reservoirs as permitted development

This appraisal will include management proposals to secure an Article 4 Direction to remove domestic permitted development.

### 1.2 LOCATION and SETTING

Birch Conservation Area is drawn around 24 [some have been combined] of the 25 buildings that form the settlement of Birch and embraces some 5.48ha of land. It is therefore a small conservation area within what is a small rural settlement. It lies some 4.6Km [2.8 miles] to the south-west of the urban edge of Colchester and just 260 metres to the northern edge of its larger sister village Birch Green.

It falls within the administrative boundary of Colchester Borough Council.

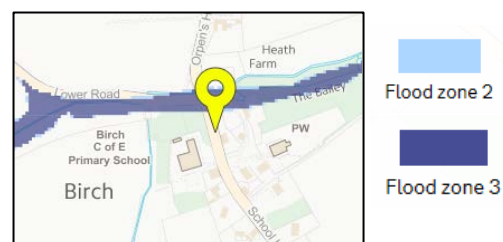
### 1.3 TOPOGRAPHY and LANDSCAPE SETTING

Birch Conservation Area is surrounded by open countryside comprising almost entirely arable farmland. Birch is a linear village street straddled generally one property deep on either side of Birch Street which runs north-south. Its nucleus hugs a small central triangular 'green' around which is found St Peter's Church, the village school and a scattering of dwellings.

The village and conservation area are bisected east-west by a narrow and shallow valley formed by an ephemeral brook that becomes the Roman River further to the east towards the area of Colchester known as Gosbecks.

Parts of the conservation area lie within areas which may be susceptible to flooding. The most vulnerable building appears to be Heath Farm

**Figure 1: Areas of flood risk**



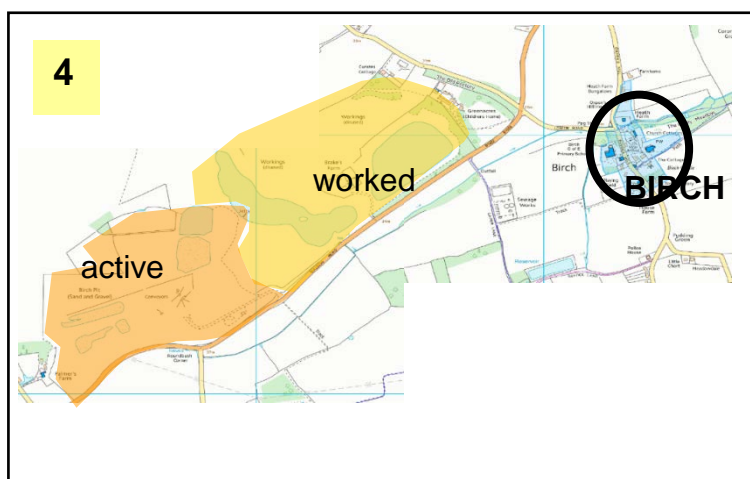
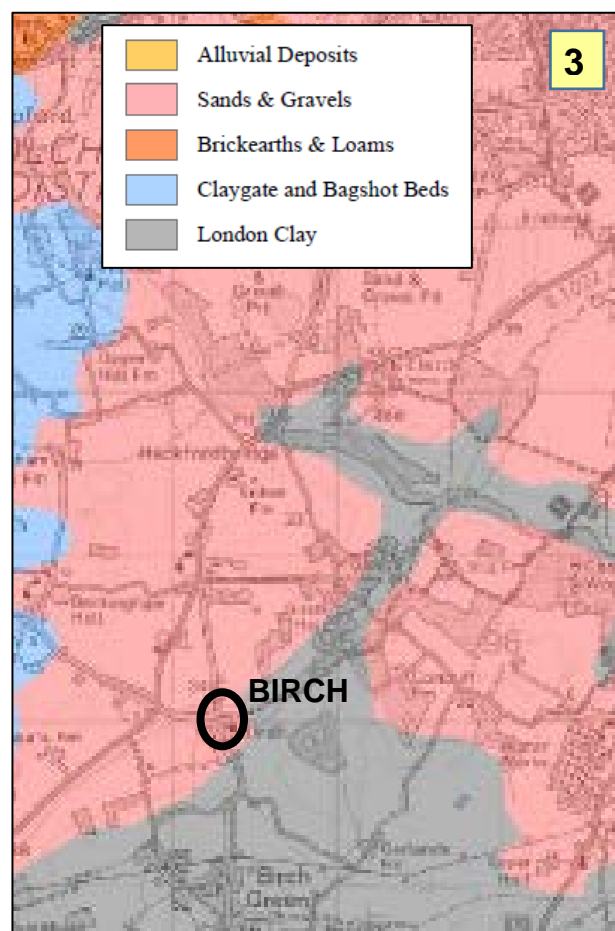
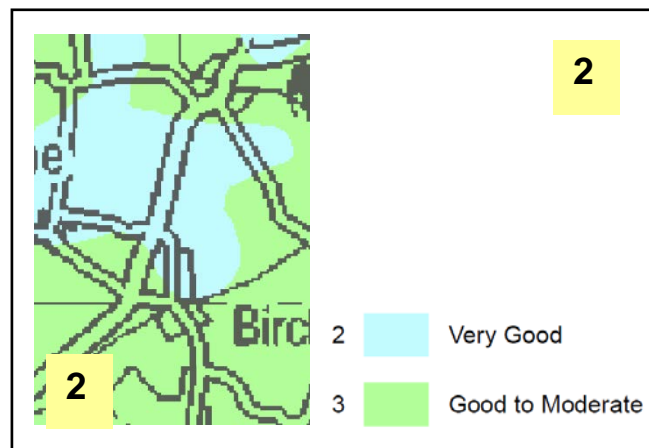
## 1.4 AGRICULTURAL LAND QUALITY

The agricultural land that surrounds Birch has an agricultural land classification of very good [2 ALC] and good to moderate [3 ALC]. This may be significant were any speculative development around the conservation area to be proposed

## 1.5 GEOLOGY & MINERALS

The area surrounding Birch village is known for its sand and gravel reserves and Birch [1.6 Km[1mile] to the west of the conservation area] has been the site of a sand and gravel pit since 1939. The pit remains active although some areas of the original quarry are now no longer being worked.

The pit is working the Kesgrave Sands and Gravels [Kesgrave Formation] which were laid down during the early Ice Age by the River Thames when it flowed through north Essex and Suffolk and out across what is now the southern North Sea to become a tributary of the Rhine. Above the Kesgrave Formation is a thickness of boulder clay that was laid down on top of these gravels some 450,000years ago. An extension of quarrying eastwards could adversely affect the setting of Birch Conservation Area



Figures

2: Agricultural Land Classification

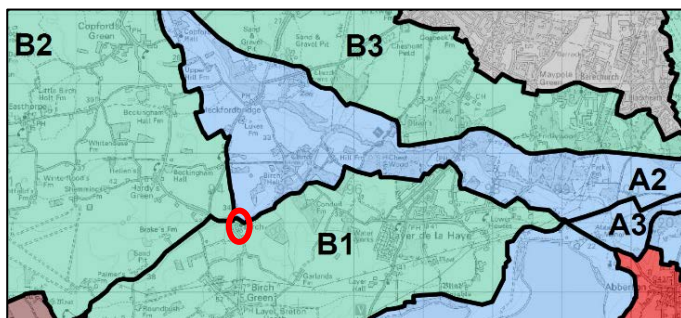
3: Geology

4: Location of Birch Pit

## 1.6 LANDSCAPE CHARACTER

Within the Birch Conservation Area the built environment and the natural environment are inter-twined.

The Colchester Landscape Character Assessment [LCA] [2005] describes the majority of the Birch Conservation Area as lying within the 'Layer Breton Farmland Plateau' with that part north of the Roman River Valley tributary being within the 'Wooded Roman River Valley'



**Figure 5: Landscape Character Areas around Birch**

B1 Layer Breton Farmland Plateau  
B2 Easthorpe Farmland Plateau  
A2 Wooded Roman River Valley

### **Colchester Landscape Character Assessment 2005 descriptions**

The LCA is particularly relevant to this appraisal and the management proposals because it provides guidance on what form of built and natural development may be acceptable within specific landscape types. It is therefore already a material planning consideration and a helpful Development Management tool'.

#### **B1: Layer Breton Farmland Plateau character**

##### **LCA Key Planning and Land Management Issues**

- Past loss of hedgerows;
- Decline in hedgerow management;
- Pressure of traffic on rural lanes and increasing traffic eroding verges;
- Pressure from potential expansion of Layer de la Haye, Birch Green and Layer Breton village settlements, detrimental to landscape character;

Potential for erection of new farm buildings, which may be conspicuous on the skyline.

##### **LCA Landscape Planning Guidelines**

- Conserve the mostly rural character of the area;
- Ensure that any appropriate new development responds to historic settlement pattern and uses materials, which are appropriate to local landscape character (refer to the Essex Design Guide for Residential and Mixed Use Areas, Essex Planning Officers Association, 1997, for further information). Such development should be well integrated with the surrounding landscape;
- Encourage the planting of tree groups around visually intrusive modern farm buildings;
- Small scale development should be carefully sited in relation to existing farm buildings.

#### **A.2 Wooded Roman River Valley**

##### **LCA Key Planning and Land Management Issues**

- Potential decrease in hedgerows and tree cover due to pressure from adjacent agricultural land use;
- Potential for erection of new farm buildings, which would be conspicuous on the skyline.

##### **LCA Landscape Planning Guidelines**

- Consider the landscape pattern and structure of large woodland areas, and the role that they have in the composition of views to and from the area.

## 1.7 ECOLOGY

Much of the east side of Birch is included within a 'Local Wildlife Site' on the Proposals Map within the Adopted Development Plan. This designation has no statutory weight. Birch has no statutory wildlife designations.

The area within the Local Wildlife site relates to the Roman River valley and extends further eastwards than shown on the map below. Locally the area is known as Bailey Meadow.

It is important to recognise the ecological importance of the adjacent area to the conservation area because of the extent to which woodland and dense greenery penetrate into the conservation area. Additional development within the conservation area could easily disrupt wildlife, disturb or destroy habitats and dislocate green corridors to the detriment of biodiversity.



Figure 6: **Designated [Adopted Local Plan] Local Wildlife Site in Birch - Bailey Meadow**

It is important that when considering undertaking development on any building within the conservation area but particularly those of traditional construction or those that enable access for bats to take great care. Bats are a protected species and disturbing them or worse -killing them, is an offence.

Inevitably with the diverse habitat that thrives in and around the conservation area proposed development may trigger the need for a phase 1 ecological assessment.



## 1.8 ARCHAEOLOGY

### Birch Village – Archaeological Assessment

The settlement of Birch, formerly known as Birch Magna or Great Birch, is essentially a small linear, roadside settlement, c.500m long, aligned N to S along School Hill (south) and Orpen's Hill (north), located at a crossing point of a small tributary of the Roman River. The Victoria County History (VCH) records that the adjacent parish of Great (to the south) and Little (to the north) Birch were administered together for civil purposes from the 18<sup>th</sup> century or later.

#### Archaeology of Birch

There has been only limited archaeological investigation within the parish of Birch and, with the exception of the Church of St Mary (ruin), north of Birch Hall (NHLE no. 1110898), there are no Scheduled Monuments. The only systematic investigation within the settlement is the recording, prior to its demolition, of a World War Two air-raid shelter at Birch School, carried out by the Colchester Archaeological Trust in 2012 (ECC3676; CAT Report 635).

The lack of archaeological investigation is not unsurprising given the limited amount of new development that has occurred in the last 100 years. For that reason this assessment looks beyond the immediate boundary of the current conservation area boundary in order to establish the likelihood of Birch village being of archaeological importance.

The best evidence for early occupation is recorded as cropmarks - indicative of below-ground archaeological remains - by aerial photography, mapped by Essex CC as part of the National Mapping Programme, and recorded in the Historic Environment Record (HER) as undesignated heritage assets, particularly on the north side of the valley – because the gravel geology is conducive to cropmark formation, unlike the London Clay to the south (that is not conducive to cropmarks).

Many of the cropmarks relate to field boundaries that have been removed. To the south and east of the Church there are a number of linear cropmarks, some of which are probably the remains of early field boundaries (MCC8687). However, some indicate a variety of features characteristic of early occupation that are probably late prehistoric and Roman in date. A curved enclosure, c.95m across, that is probably late prehistoric (based on comparison with excavated examples), is recorded to the east of Orpen's Hill House (MCC7725). A ring ditch, c.10m in diameter, and probably the ploughed-out remains of a Bronze Age funerary monument (barrow), is recorded to the west of Farnham's (MCC7667). There has been no further investigation of these features.

The VCH records:

'The church of Great Birch existed by 1214, when the advowson of the rectory was in the king's hands, as part of the lands of the Normans, presumably having been previously held with Great Birch manor.'

'The small medieval church of *ST. PETER*, Birch Road, stood on an elevated site until 1849 when it was in a dilapidated condition and demolished. It had nave and lower chancel, undivided internally and with tiled roofs, a south porch, and within the west end of the nave a timber west tower, which was shingled and had a needle spire. The chancel had lancet windows, and other windows in nave and chancel were 14th century.'

'Birch: Churches', in *A History of the County of Essex: Volume 10, Lexden Hundred (Part) Including Dedham, Earls Colne and Wivenhoe*, ed. Janet Cooper (London, 2001), pp. 50-53. *British History Online* <http://www.british-history.ac.uk/vch/essex/vol10/pp50-53> [accessed 5 June 2017].

The current Victorian church, built by the Round family, is on the site of the medieval church demolished in 1849. A colour plan dated to 1850 shows both the old and new churches, and graves surrounding the old church.

No archaeological investigation has been undertaken in or around the church.

The rectory was located over 500m to the north-west of the settlement; the new rectory is located to the south of the site of Birch Castle (see below).

## Birch Castle

The site of Birch Castle (MCC7305), to the south-west of the Church, is first marked on the OS 1:2500 Epoch 1 map (1874-1887), as a slightly raised/level platform area c.0.20ha. in area with an earthwork bank c.50m long along the south side. The Cottage is located on this platform; the Tithe Map of 1841 records two cottages and gardens within this area (198 and 198a), owned by Mark Hitchin and Mary Powell respectively but neither is marked on the OS 1:2500 Epoch 1 map – and had been demolished at some point (1874-1887).

The VCH for Birch records:

'Birch Castle, which stood a few yards south of St. Peter's church, was probably a motte and bailey castle. In 1768 only a mound surrounded by a ditch remained, and in the 20th century just a short section of rampart and ditch'

'Birch: Manors', in *A History of the County of Essex: Volume 10, Lexden Hundred (Part) Including Dedham, Earls Colne and Wivenhoe*, ed. Janet Cooper (London, 2001), pp. 44-46. *British History Online* <http://www.british-history.ac.uk/vch/essex/vol10/pp44-46> [accessed 5 June 2017].

In *The History and Antiquities of the County of Essex* (1768), Morant states that Sir Ralph, son and heir of Sir William Gernon, 'fortified his castle of Briche against K. Henry III' (1216-1272). Morant discusses the site of Birch Castle to the south of the Church, describing it as 'only a mount encompassed with a trench.' However, he interprets these remains as a continuation of the (late prehistoric) dykes to the north-east, on the west side of Colchester. He states, 'we take this Mount and Trench, to be rather part and continuation of the stupendous Roman works on Lexden-heath, which are easily traced to this place, and much further' (p.182).

The HER records that Roman pottery has been found at Birch Castle (HER no. MCC7306). The VCH (vol 3 1963, p.50) quotes Jenkins in the *Journal of British Archaeological Association* (vol. 29, pp.276-7), who thought the earthwork was Roman, because of its quadrangular shape. Jenkins states:

'Near it passed the Roman way and near it too formerly stood a tumulus within which several Roman urns were found, evidently the burial place of soldiers belonging to the fort.'

However, there is no other record of the Roman road, tumulus or burials. There has been no detailed archaeological investigation of the site and neither the date nor function of the earthwork remains has been established.

### Site of a mill dam?

There is a linear earthwork (MCC7668) c.350m to the east of the bridge over the watercourse, c.45m long aligned N to S across the floodplain, marked on the OS 1:2500 Epoch 1 map (1874-1887). The current watercourse kinks around the north end of this bank but it seems likely the earthwork was inserted to create a dam for a mill or fish pond to the west.

Again, the feature is undated and has not been the subject of archaeological investigation.



Figure 7: **Site of Birch Castle [now part of a domestic garden]. A slight mound in the trees is all that appears to remain. [above ground]**



## 1.9 HISTORICAL DEVELOPMENT

Beyond the archaeological record it is known that between 1066 and 1086 the recorded total of free and unfree tenants and *servi* rose from 25 to 28.

Essex County Council SEAX record describes Birch Castle as 'a Norman motte and bailey type structure of which all that remains is a short length of rampart and ditch on a spur of high ground'.

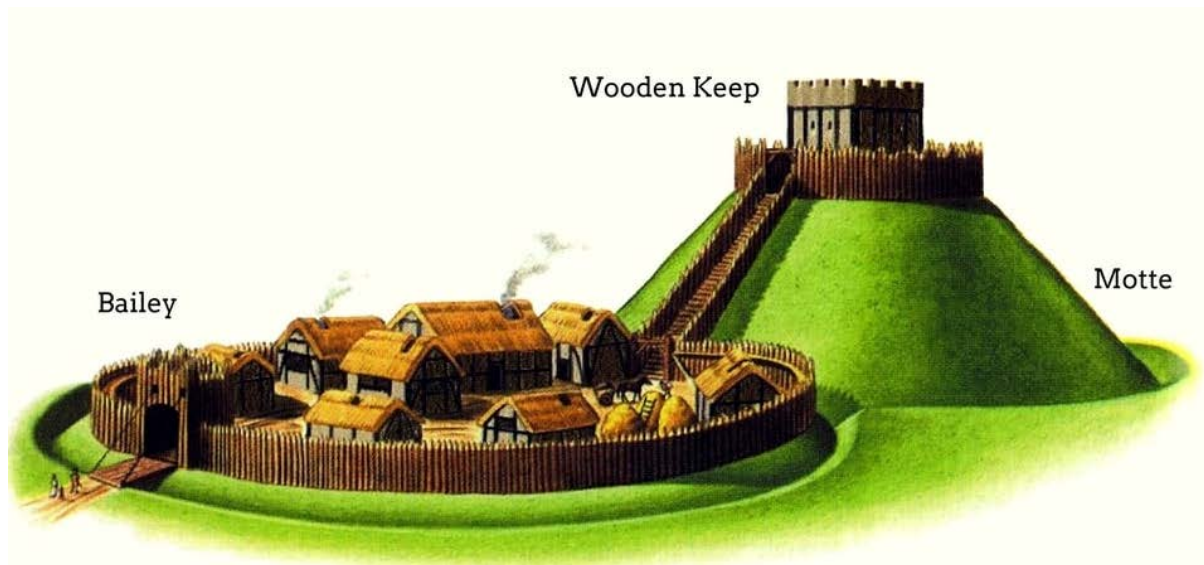


Figure 8: An illustration showing typical components of a motte and bailey castle

It is not perhaps an accident that the field adjacent to the site of the castle is called bailey meadow.

In the Middle Ages there were scattered farms and cottages, and probably a very small settlement around Great Birch church and the Gernon family's Birch Castle.

In 1377 most of the people in Birch and Easthorpe who paid poll tax are presumed to have lived in Birch.

No medieval hall house survives except for the altered Church House Farm.

Gatehouse Farm (formerly Church Gate or Birch Gate Farm) lay close to the castle bailey, and in 1582 was called the Gatehouse. It has a jettied 15<sup>th</sup> century cross wing at its east end. At Gatehouse Farm the rebuilt hall range of two storeys and three bays has a central brick chimney which divides each floor into two rooms. A jettied wing west wing was added, probably in the late 17<sup>th</sup> or 18<sup>th</sup> century.

By the 17<sup>th</sup> century or earlier there were also a few houses at Birch Street.

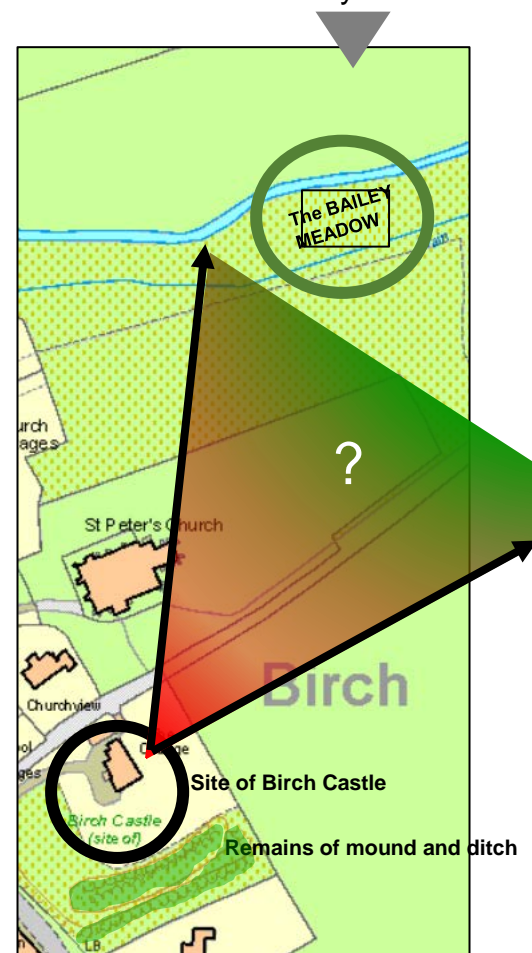


Figure 9: An historic clue?



Figure 10: Cary's New and Correct English Atlas 1798 [Gt. & Lt Birch]

In the 18<sup>th</sup> century a one and a half storeyed building in School Hill, known as Church Cottages was built as the workhouse. It was converted into cottages in the 19<sup>th</sup> century when dormers and porches were added, the four houses were reduced to two in the 1980's.



Figure 12: Church Cottages

In the 18<sup>th</sup> and 19<sup>th</sup> centuries pieces of waste along the roads and the edges of heathland were 'inclosed' [from the Inclosure Acts] and some new cottages were built.

From the 18<sup>th</sup> century members of the Round family of Birch Hall took an active part in public life and had a great influence on the social and economic life of Birch.

The evangelical and paternalistic Charles Grey Round (1797-1867) and his wife Emma (1819-1892) promoted religion and education in the parish and provided some housing for estate workers. These houses can still be found in the conservation area.

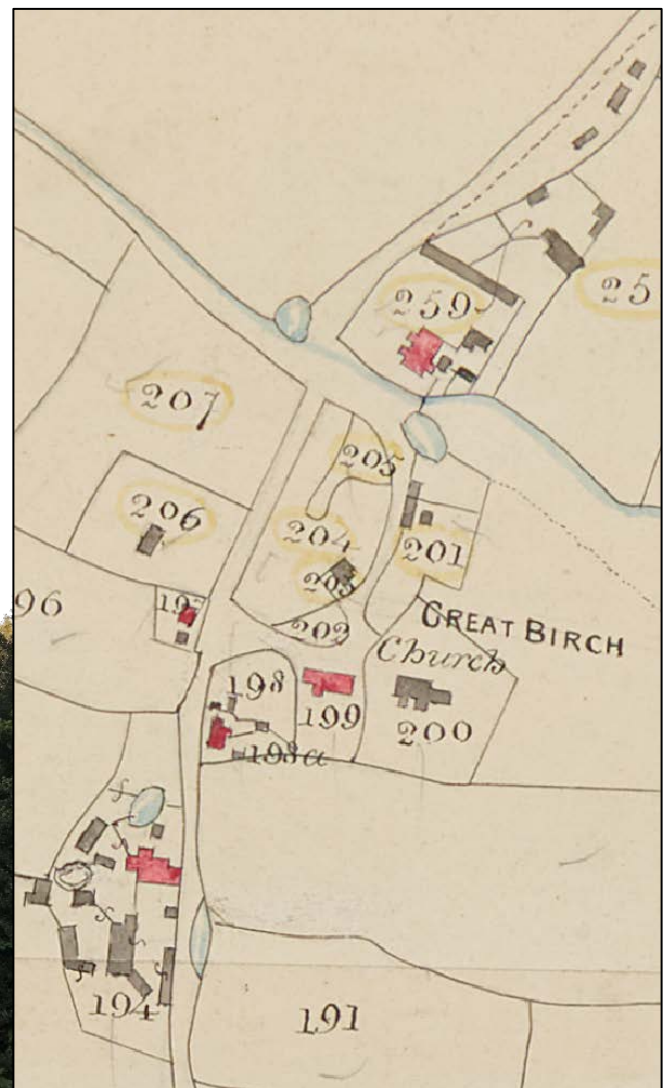


Figure 11 : Tithe Map [St Peter's]



## ■ Great Birch Manor and the 'Round' Family

1086: Count Eustace of Boulogne

Late 12<sup>th</sup> C: Ralph Gernon

1228: Gernon & Peyton families

Before 1276: Gernon's granted the mesne tenancy [sub-letting] to the Baynard family

1556: John Daniell (son of Grace Baynard daughter to Richard Baynard))

1576: Arthur Golding succeeded by his brother Henry

1595: Edward Elliott succeeded by his son Thomas

1631: Mark Mott

1669: Thomas Kemp

1707: Henry Hene

1732: Ralph Mansell

1770: Richard Whitfield

1789: James Hodgkin

**1811: bought by Charles Round and was held with Little Birch Manor**

## ■ Little Birch Manor and the 'Round' Family

**1724: John Hopwood sells the manor to James Round ( d.1745) who was succeeded by his nephew**

**William Round** (d.1772). Followed by William's son

**James Round** (d.1806) [JP & MP], then James' son James (d.1809). the estate then passed to James's brother

**Charles Round** (d.1834). After whom it passed to Charles' son

**Charles Gray Round** (d.1867) [MP 1837-47, recorder of Colchester]. He was succeeded by his nephew

**James Round** (1842-1916) [MP, JP Essex County Council alderman]. It then passed to

**Lt Col. C.J Round** (1886-1945) [JP] and his son

**Lt Col. J.G. Round** (1913-1997), who had three daughters.



Figure 13: **Charles Gray** [bap. 1696 died 1782]



Figure 14: **Charles Gray Round** [1797-1892]

The evangelical and paternalistic Charles Grey Round (1797-1867) and his wife Emma (1819-1892) promoted religion and education in the parish and provided some housing for estate workers.

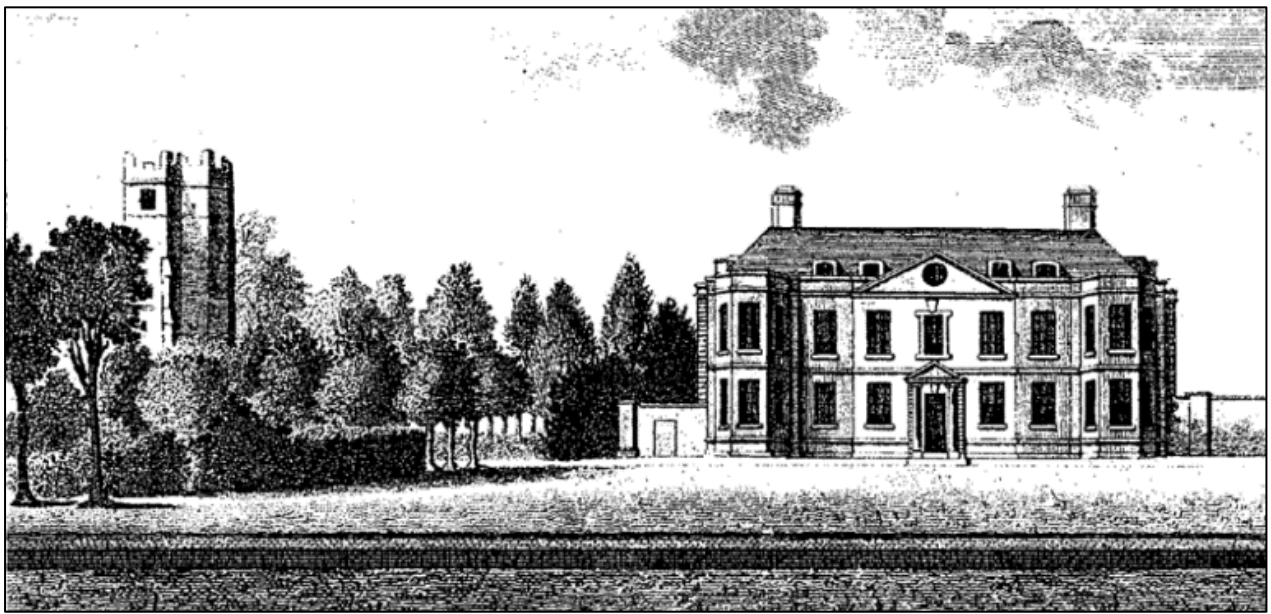


Figure 15: Little Birch Hall 1772



Figure 16: Birch Hall, Little Birch: Demolished 1954



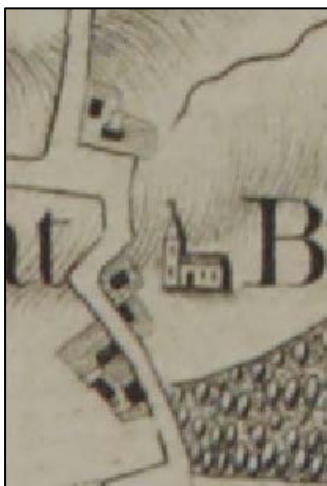
Figure 17: The Modern Birch Hall today





Figure 18 : **Chapman & Andre Map 1777.**

[Note Birch Hal, the home of the Round Family, to the north-east]



The Church of St Peter and Paul (HER no. MCC7307) is located on the south side of the valley, set back c.75m from the (current) main road, and surrounded by the graveyard. Chapman & Andre's map and also the first edition One Inch Ordnance Survey map (1805) indicate the main road through the settlement originally followed the line of the local access to the east, curving eastwards and passing in front of (i.e. to the west of) the Church and Church Cottages; an additional section of road was added by the time of the creation of the tithe map, to create the line of the (current) straight road up School Hill.

Figure 19 : **Tithe Map showing relationship between Great & Little Birch**



Birch and its conservation area have remained remarkably lightly touched by new development for more than 140 years of OS Maps.

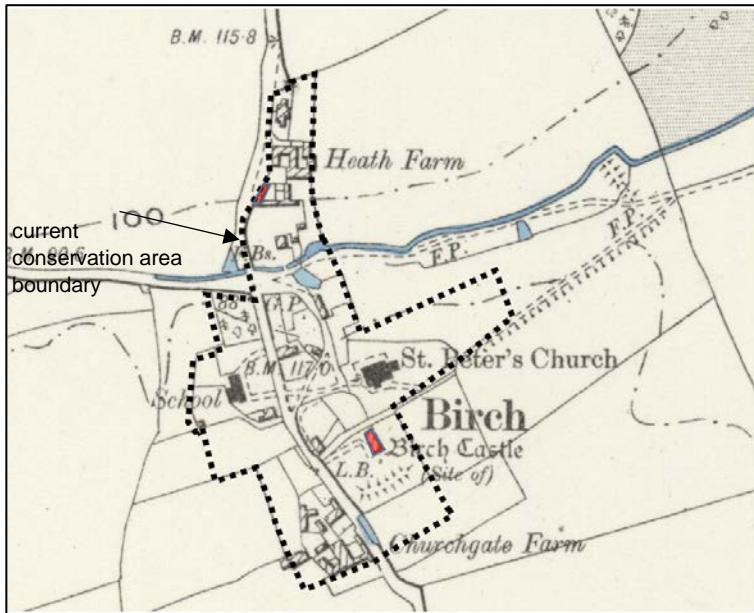


Figure 20: OS six-inch England and Wales: 1898 buildings shown red are those added since the 1881 OS map

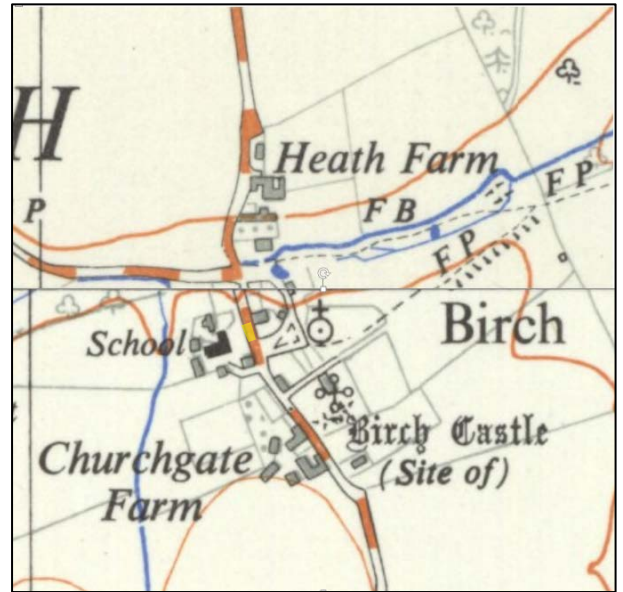


Figure 22: OS 1:25000 1955: buildings shown yellow are those added since the 1923 OS map

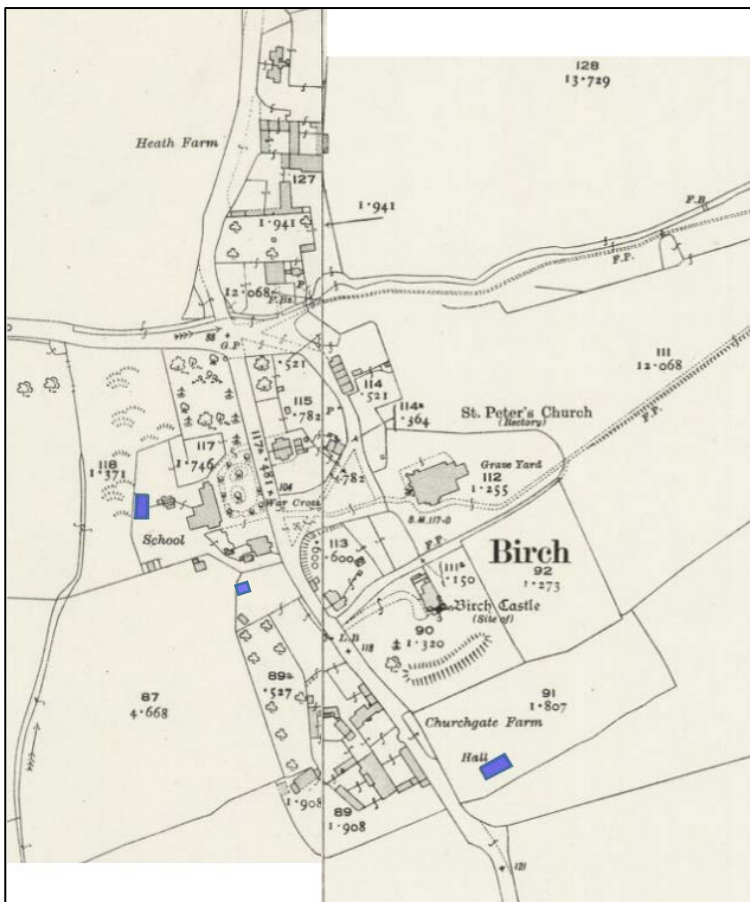


Figure 21: OS six-inch England and Wales: 1923 with additions from 1898 map added in blue

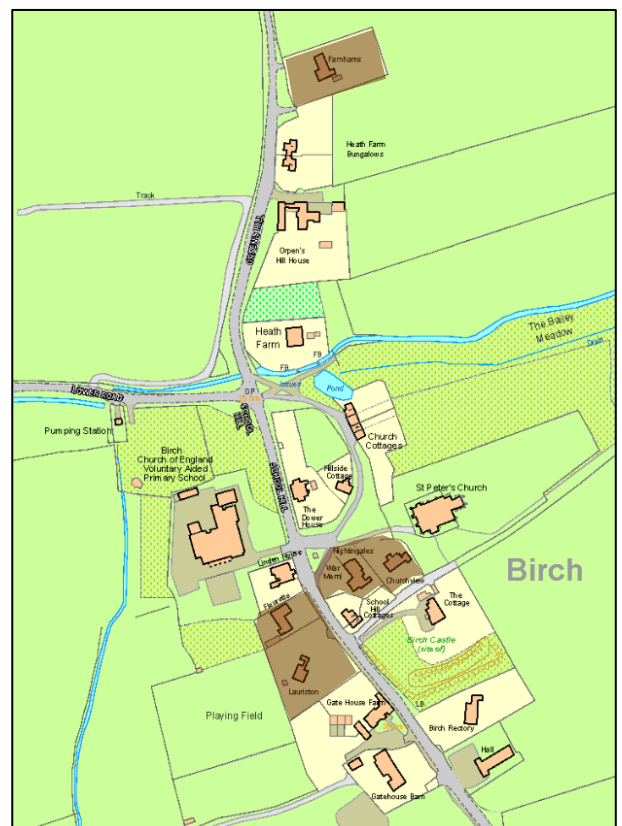


Figure 23: Birch today: buildings shown brown are those added since the 1955 OS map



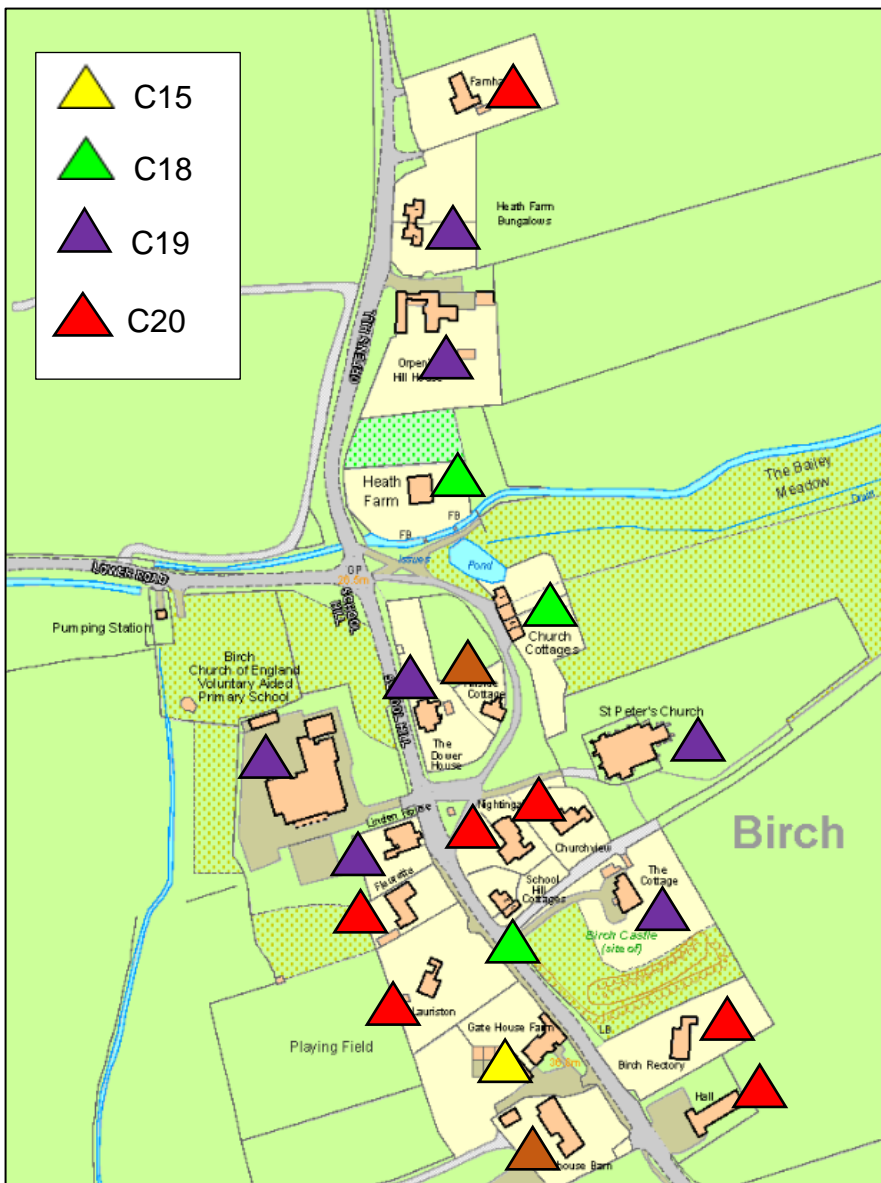


Figure 24: Building Ages

**1. Heath Farmhouse: GII.** C18 house, timber framed and weatherboarded with red plain tile roof. Centre passage plan. Two storeys. Three window range double hung vertical sliding sashes with glazing bars. C18 red brick end chimney stacks. Doorcase with flat canopy on brackets.

**2. Church Cottages: GII.** C18 terrace of 5 cottages in red brick, with red plain tile gambrel roof. One storey and attics. Six window range, casements with glazing bars. Three gabled dormers. Gabled plain tile porches, supported on timber posts. Original red brick chimney stacks, one at each end, and three at rear.

**3. Church of St Peter and St Paul: GII.** Built in 1850 by Teulon, in flint with limestone dressings. Red plain tile roof, with crested ridges. Nave, chancel, north and south aisles, south porch and west tower.



Figure 25: Listed Building Text Description References

West front has 2 gables, with traceried windows in the decorated style. West tower is surmounted by a shingled broach spire, 110 feet high. Windows have 2 centred arches throughout and tracery to match west front. Gabled south porch has simple 5 cant roof. All other roofs are framed side purlin with arch bracing and ridge pole, principal rafters with collars, braced to corbels.

**4. White Cottage: GII.** C18 cottage, timber framed and part weatherboarded and part plastered. Red plain tile gambrel roof. One storey and attics. Three window range modern casements. Two modern gabled dormers. Small pedimented doorcase. L-shaped plan, with later extensions at rear. Red brick chimney stacks

**5. Churchgate Farmhouse [now Gate House Farm]: GII.** C15 hall house with cross wings, extensively altered in C16. Timber framed and plastered with red plain tile roof. Two storeys. Two jettied and gabled cross wings. Four window range double hung vertical sliding dashes with glazing bars. C16 chimney stack. C19 gabled porch with decorative bargeboards.

6. **Schoolmaster's House: GII.** Early C19 house, in painted brick, with grey slate hipped roof. Three window range. Two 3 lancet lights in square heads with drip moulds and one 2 light ditto. Gabled porch with lancet headed door and rip mould.
7. **Primary School: GII.** Early C19 school in grey gault brick with grey slate hipped roof. Single storey, H plan, 2:3:2 window range, C19 pivots with glazing bars and drip moulds. Modern extension at north and south

Whilst beyond the village and conservation area it should be noted that remnants of Birch Airfield which was just 0.27Km [1.7miles] to its west remain. Birch Airfield was built by the US 9<sup>th</sup> Air Force in 1943 and was passed to the 8<sup>th</sup> Air Force. In 1946 the land was handed over to the RAF and closed and the land reverted to agricultural. It is easy to see conservation areas as buildings and spaces and forget that each also has a rich history that relates to people and activity. North Essex was like much of East Anglia and the south-east heavily involved in the air war of the Second World War (1939-1945)

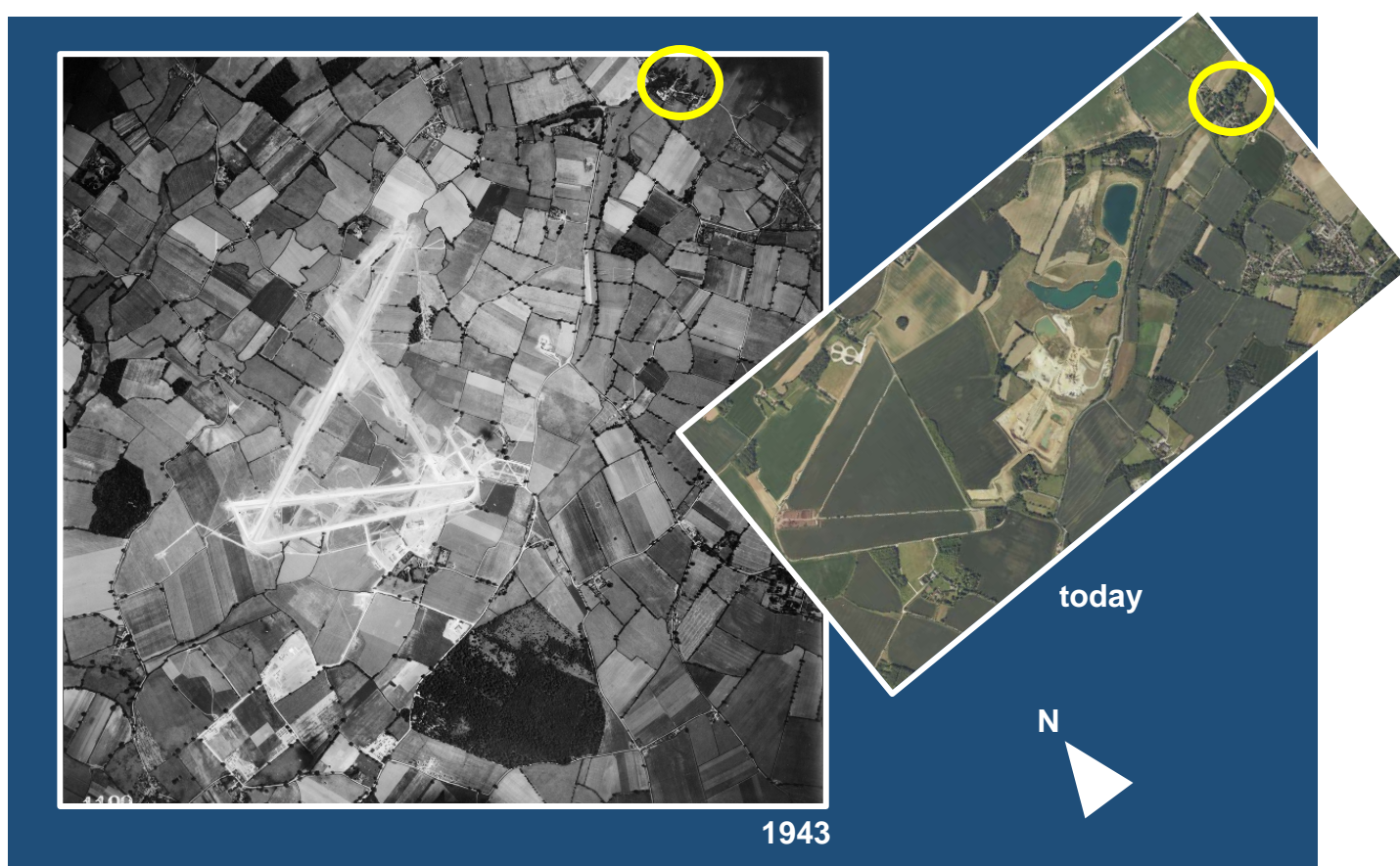


Figure 26: Birch Airfield July 1943



## 1.10 NON-LISTED BUILDINGS of TOWNSCAPE MERIT

Beyond the seven statutorily listed buildings within the conservation area there are currently no buildings on the local list. This may just be an accident of geography and reflects the emphasis that urban Colchester has been given in terms of recent surveying activity.

Certainly as a result of this appraisal it is considered that three additional properties in the conservation area may warrant statutory listing or at least inclusion on the local list and the application of an Article 4 Direction removing all domestic 'permitted development' [PD] rights.. These are:-

- Heath Farm Cottages

Single-storey semi-detached estate dwellings with decorative 'Tudorbethan' chimneys, triangular bay, arched doors, tiled niche in flank wall, decorative barge boards and other architectural features. White painted brickwork with red clay plain tiles.

- Orpen's Hill House

A single storey building with agricultural lineage and evidence of former implement store and barn with mansard roof. Red brick with clay pantiles

- The Dower House

A symmetrically proportioned pair of semi-detached two storey estate houses with 'Tudorbethan' timber framing at first floor within jettied gables with centrally positioned oriel windows and decorative chimneys. Red brick with red clay plain tile roof

- Gatehouse Farm Barn

In 2007 when considering a proposal to convert the barn from vacant agricultural to offices the planning committee report described the building as a 'traditional timber-framed barn of 7-bays with a midstrey to the south. Much of the frame was retained.

From an external view all seem in good physical condition.



Figure 27: Gatehouse Farm Barn before conversion

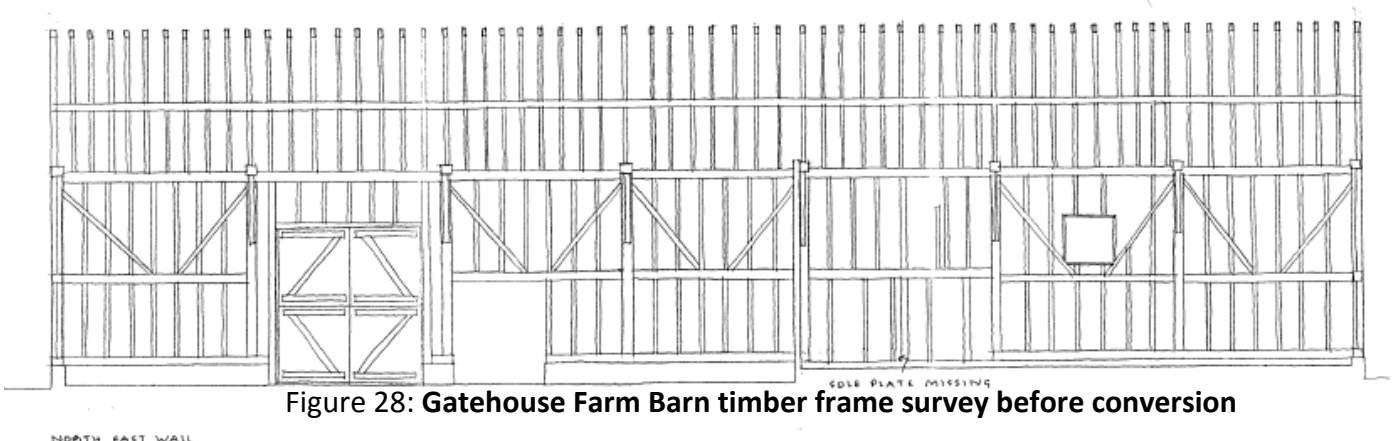


Figure 28: Gatehouse Farm Barn timber frame survey before conversion



29/29a



30/30a



31/31a



The buildings identified here as being of Townscape Merit should be subject to a more detailed survey to assess whether statutory listing is justified

Figures;

29/29a (top)

**Heath Farm Cottages & roof plan aerial view**

30/30a (middle)

**Orpen's Hill House & roof plan aerial view**

31/31a (bottom)

**Dower House & roof plan aerial view**



## 1.11 CHARACTER and APPEARANCE of the CONSERVATION AREA

### 1.12 TOWNSCAPE ANALYSIS

The conservation area which includes all but one building within the small settlement of Birch can best be described as a narrow linear village arranged on either side of the road named Birch Street which runs north south.

Whether you approach the village from the north or the south you do so across open farmland gently descending into the shallow valley that runs east-west. Approaching from the west you run parallel with the valley but below adjacent field level in places.

Entering the village from the north you pass through trees along the valley floor and rise gently into the heart of the conservation area. Generally development is as you might expect in a small village relatively untouched by modern development at a very low density. Most properties front the main road through the village and enclosure creates a sense of intimacy. The main green to the front of St Peter's is the only area where views open out to provide a sense of space. The magnificent back drop to the village green is St Peter's church.

This central green represents the heart of the conservation area. Around it is a scattering of houses including some modern infill properties hugging the margins of the green some of which are hidden by mature flora. Opposite the green on the west side of Birch Street is the primary school and former schoolmaster's house both of which have a more open frontage set behind 'estate' type metal railings

The church dominates the conservation area and its sky piercing spire can be seen from miles around and is a very familiar figure on the skyline and a cherished focal point. Its graceful spire dominates the landscape for miles around rising as it does far above the froth of tree canopies that bubble around it.

Whilst the landscape and means of enclosure generally dominate the street scene occasionally buildings edge their way through to make their own strong but sporadic presence felt.

The quality of the townscape is drawn in large part from the attractiveness of the older traditional properties that have stood as sentinels along the route through the village for hundreds of years. The rich oranges of the clay plain tile roofs creating a natural warmth to the architecture. The slates of the school and school masters house contrasting with a more formal and colder character that suits the functions that occurred (and in the case of the school continues to occur) beneath them.

The churchyard/graveyard of St Peter's provides the village with another delightful open space where it is easy to reflect and calm the soul. The graveyard and St Peter's church provide each other with support from an historic, contextual, spiritual and physical perspective and produce harmony.

Similarly the overgrown patch of land that appears to be gradually reverting to nature opposite Church Cottages is another important space within the conservation area.

There is a lack of modern footways and street lighting which adds to the charm of the conservation area.

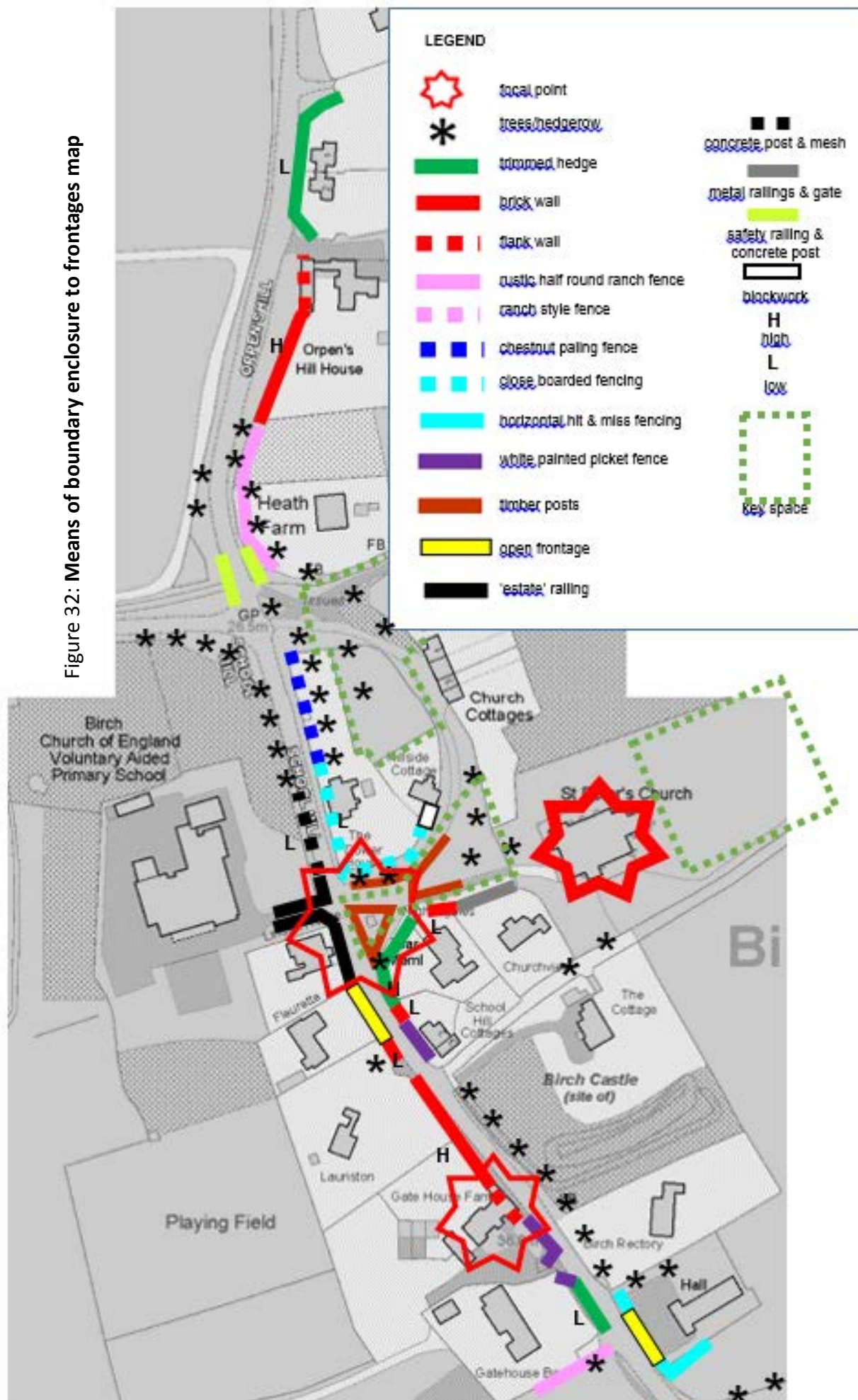
Key components within the townscape are described in greater detail across the following pages and on the appropriate Townscape Analysis Maps.

### 1.13 Heritage at Risk

The Historic England Heritage at Risk register notes Birch Conservation Area as being at risk

The Essex County Council Buildings at Risk Register identifies the Church of St Peter and St Paul as being 'At Risk'.

Figure 32: Means of boundary enclosure to frontages map



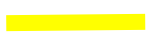




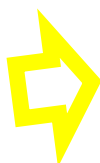
key 'space'



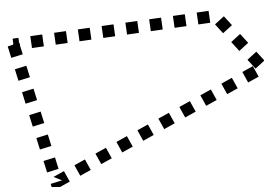
route



confined narrow  
character



open aspect

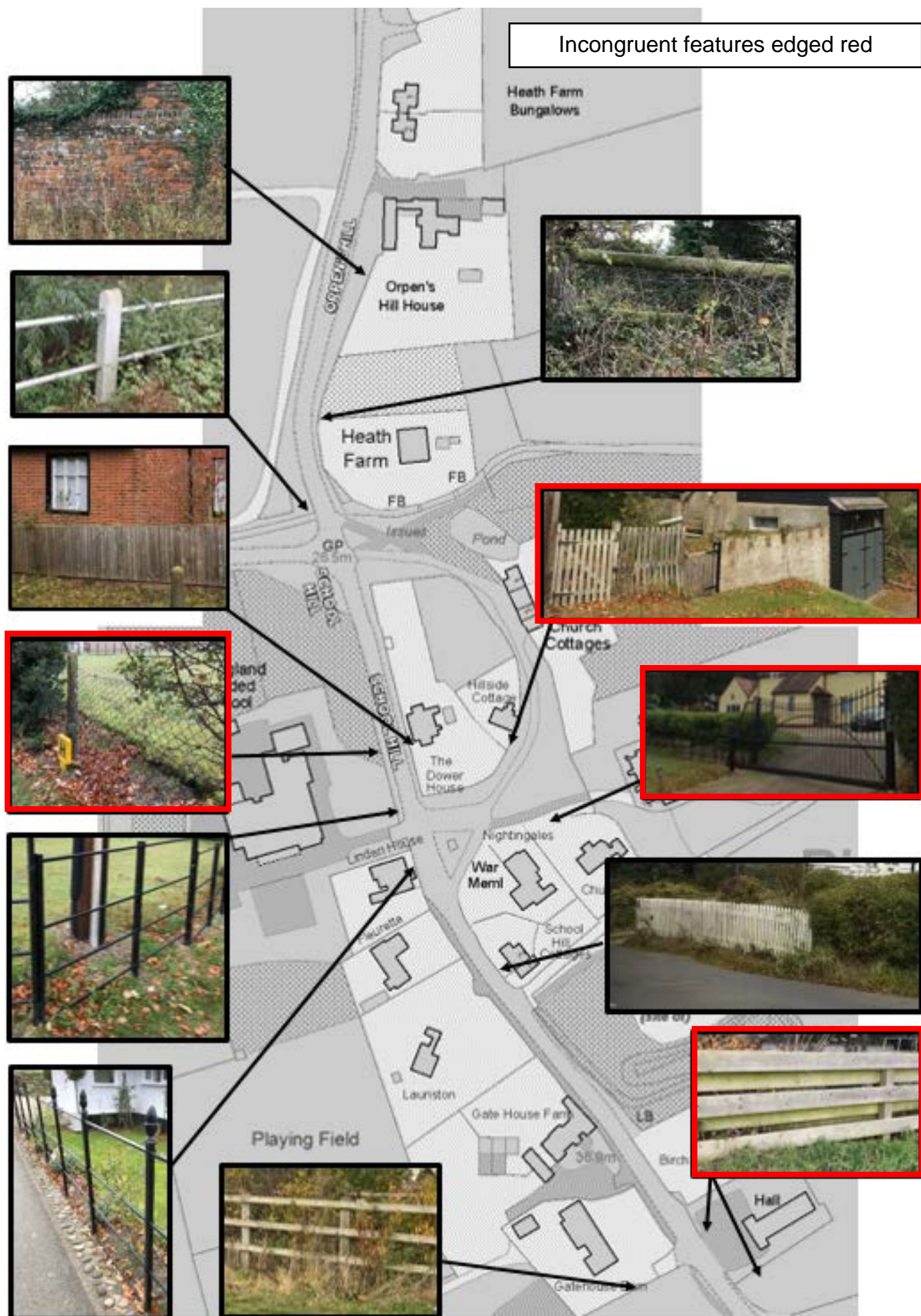


Village Green

Figure 33: Routes and spaces



Figure 34: Examples of traditional means of boundary enclosure to frontages







## 1.14 FOCAL POINTS, VISTAS and VIEWS

Very little of the conservation area can be seen from the north lying as it does in a narrow valley floor with a dense wooded area between it and the viewer. The only evidence of a settlement when viewed from the north is the spire of St Peter's church which dominates the sky line.

As you approach Birch from the north the open farmland scenery gradually leads you towards some scattered buildings on the west side of Orpens Hill but it is only once past Heath farm and across the little tributary of the Roman River that the conservation area hoves into view.

Again views of the conservation area from the west along Lower Road are very confined saved for the spire of St Peter's as the majority of Birch is hidden by trees and the embanked verges

Only when approaching the village from the south along School Hill is the village readily visible across the flat farmland that edges it as a result of very little tree or hedgerow cover.

Approaching the conservation area from the east is only directly possible via the public footpath and again it is the church of St Peter and St Paul that dominates although the rear of the Victorian property, The Cottage, is exposed to view.

Long views of St Peter's church can also be experienced from the B1022 Maldon Road which runs the west side of Birch.



Figure 36: Graveyard view towards rear of St Peter's



Figure 37: View towards St Peter's from Lower Road

Figure 38: Long view from Maldon Road [B1022]





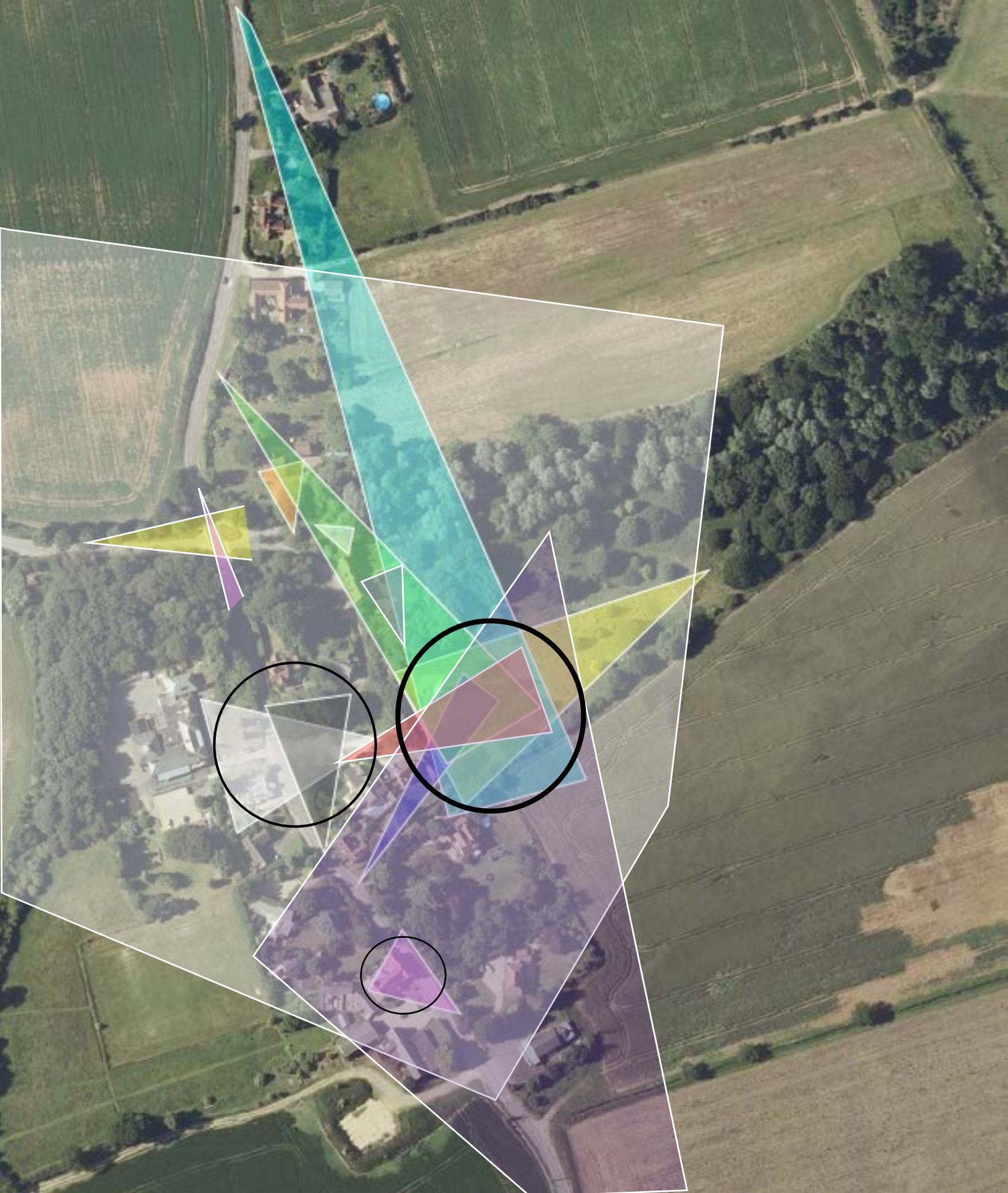


Figure 39: Key Views and focal points



## 1.15 OPEN SPACES and TREES

The conservation area has no areas of public open space save for the triangular green in front of St Peter's. Nor does it have any formal public recreational space.

Nevertheless as has been described earlier the conservation area enjoys the benefit of significant

**ARCADIA: “a vision of pastoralism and harmony with nature”**



Figure 40: Built and natural forms embrace within the conservation area



## 1.16 The BUILDINGS of the CONSERVATION

### 1.17 BUILDING TYPES

There is an eclectic mix of building types within the conservation area ranging from a good sized C15 two storey H-plan farmhouse, L-shaped semi-detached cottages, terraces of modest single storey with attic cottages through to detached two storey Victorian and modern houses and modern bungalows. A variety of roof types can be found within the conservation area from orthodox pitched ridge, gambrel, double-piled and hipped.

### 1.18 ARCHITECTURAL STYLES, MATERIALS and DETAILING

Perhaps not unsurprisingly in a conservation area that has buildings spanning an evolution of more than 500 years there is a rich mix of architectural styles. The oldest property is a C15 (altered) hall house but there is a very strong representation from High Victorian '*Picturesque*' Style in the shape of decorative '*Estate Houses*'.

There is also a pretty collection of modest C18 gambrel roofed cottages.

The predominant style within the conservation area Victorian picturesque estate vernacular.

The conservation area is characterised by the following materials:

Red brick in generally in Flemish Bond but some English Bond and garden wall bond can be found.

Limited use of grey gault brick can be seen in the original school buildings.

A number of examples of white painted weatherboarding exist as does plasterwork

The most frequently used roof material within the conservation area is red clay plain tile but natural slate can also be found.

The various ornate decorative chimney stacks associated with '*Estate Houses*' are built predominantly in red brick but occasional use of gault can also be found.

The Church of St Peter and St Paul is constructed from flint and ashlar limestone with a beautiful and striking clay plain tile roof.

The plan overleaf provides a more detailed analysis.



Figure 41: A kaleidoscope of textures, colours and shapes: St Peter's Church. Flint pebbles facing contained by ashlar bathstone quoins

Figure 42:

Characteristic Decorative '*Tudorbethan*' Chimney Stacks found on 'Estate' properties within the conservation area.







Figure 43: Architect's drawing from 1862 of 'Estate' dwellings [Round Estate]



Figure 44: Dower House as built [survives in the conservation area today]

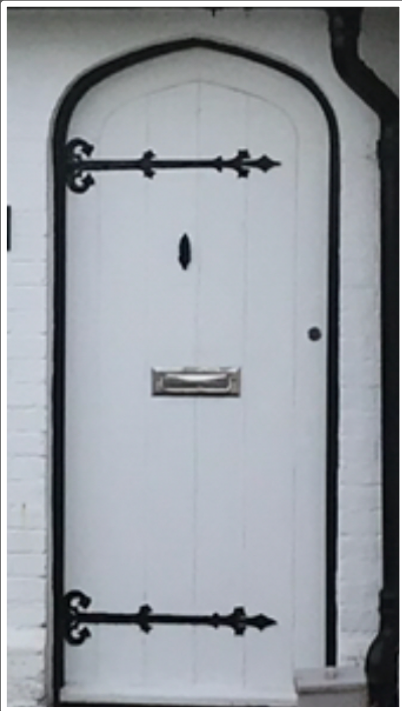


Figure 45: Heath Farm Cottages

The Round family rebuilt the school and St Peter's church and a new rectory house as well as adding some distinctive new houses in the High Victorian domestic style with tall ornamented chimney stacks. Such stacks together with carved barge boards and triangular bay windows are also found at the single storeyed Lukes Farm and a pair of estate cottages at Heath Farm.



Figures 46: Examples of 'Tudorbethan' architectural detailing within the conservation area.







**Figure 47: Pond near Heath Farm beside the Roman River brook**

The pond in the woods close to Heath Farm has an ethereal quality. Overarching willows drape around the pond margins whilst assorted water-plants spread across its surface.

Note the denseness and lushness of the flora along the designated public footpath that follows the south side of the Roman River Valley. Everywhere the greenery is trying to reclaim the path. Walkers cannot fail to The senses are assaulted by a riot of sounds, sights and smells.



**Figure 48: Public Footpath disappears into the woods.**





Figure 49: Another characteristic glimpsed conservation area view of St Peter's Church



## 1.19 SUMMARY of SPECIAL INTEREST

1. A small linear rural settlement with buildings of different styles spanning six centuries and an archaeological heritage going back much further.
2. A rare example in the east of England of an estate village that has a very strong association with the 'estate' of a local landowner. In this case the 'Round' family of nearby Birch Hall. The hey-days of estate related building work being in the 19th century.
3. The commanding presence of the Church of St Peter and St Paul in intimate views within the conservation area and in longer views from its wider agricultural and open-countryside hinterland.
4. The open village green in front of The Church of St Peter and St Paul as framed by striking mature trees. Concealing a handful of dwellings that nestle against the edges of the green.
5. The dominant 'Arcadian' character with wooded areas wrapping around many of the properties within the conservation area and penetrating into the heart of the village following the Roman River Valley.
6. The typically very low rural density of development with an airiness, an open grain, irregular sized plots, a lack of uniformity and no sense of clustered modern development.
7. A strong sense of enclosure to most buildings formed either with high natural hedgerow, trimmed high hedges high walls, fences or metal 'estate' railings.
8. The preponderance of wonderful tall decorative chimney stacks associated with *picturesque* 'estate' buildings
9. The traditional restricted palette of building materials with a predominance of red brick and red clay plain tiles but with gault brick, plater, weatherboarding and slate.
10. Predominant use of Flemish Bond but with some examples of English Bond and English garden wall bond in pre-20<sup>th</sup> century buildings.
11. A beguiling array of decorative features on many of the pre-20<sup>th</sup> century buildings ranging from decorative doorcases, jettying, patterned vertical tiling, through to good surviving examples of traditional window styles such as timber double hung sashes and lancet windows with drip moulds..
12. The lack of modern footways and street lighting
13. The general sense of peace and tranquillity and the closeness to nature
14. The site of Birch Castle of which nothing appears to remain other than parts of the bailey but little archaeological investigation has occurred probably due to the lack of modern development.

## Birch Conservation Area: PART 2: MANAGEMENT PROPOSALS





## 2.1 NEGATIVE FEATURES and ISSUES

1. The single biggest issue facing Birch Conservation Area is the uncertainty over the future of the landmark that is St Peter's Church. Demolition is currently proposed.



Unightly corrugated sheeting, boarded windows and scaffolding around St Peter's Church introduce depressing sense of decay and visual blight

Gothic charm or creeping neglect?



### **Townscape Management Proposals: Action 1**

**The Council will contest the proposed demolition of St Peter's Church and will appear as a witness at any subsequent Inquiry to defend its continued presence at the heart of Birch Conservation Area and as a dominant local landmark.**

### **Townscape Management Proposals: Action 1a**

**The Council will support the appropriate re-use, conversion, refurbishment and/or repair of St Peter's Church through the Development Management process.**



2. Poor quality verge maintenance is marring the appearance of parts of the conservation area. This is particularly bad on the east side of the road into Birch from the north and the east side of the road into the village from the south. This makes for poor entry into to the conservation area and is harmful to its character.



Figure 53: **Poorly matched and patchy road verge repairs have improved safety but have unnecessarily scarred the street scene.**



Figure 54: **New road surface but poor verge.**

### **Townscape Management Proposals: Action 2**

**The Council will encourage Essex County Council as the local highway authority and/or relevant land owners to take a co-ordinated and more sensitive approach to verge management.**

3. Intrusive and cluttered road signs – here in front of the Listed school building and behind the war memorial. Road safety is very important but do signs have to be so poorly positioned? They could be set lower to the ground and still be visible to drivers and the position of the triangular signs could be adjusted so that the signs are directly back to back thereby immediately reducing the clutter.



55 - 57



### Townscape Management Proposals: Action 3

**The Council will work with Essex County Council as local highway authority and the North East Parking Partnership [NEPP] as the parking control authority to explore ways to rationalise the clutter of street signage within the conservation area and to relocate the position of high level signage that harms the setting of adjacent listed buildings and character of the conservation area where this will not prejudice highway safety in so far as relevant traffic regulations will permit.**



4. Prominent overhead and above ground electricity supply apparatus and telephone poles/cables harm the character of the conservation area because of their visually intrusive nature



#### **Townscape Management Proposals: Action 4**

**The Council will work with the relevant electricity and telephone infrastructure companies to encourage the undergrounding of unduly prominent infrastructure within the conservation area whenever the opportunity arises.**

5. The village hall site lacks any sense of enclosure on its road frontage and the very wide access creates a large and ugly uncharacteristic gash in the street scene that exposes a large area of tarmac when the centre is not in use or parked cars when it is. This wide open section at the sentinel southern entrance (east side) to the village harms the character of the conservation area and creates a visually poor entry point.



Figure 61: Village Hall forecourt and parking area with its open frontage

### **Townscape Management Proposals: Action 5**

**The Council will work with the Community Centre Management Committee to develop a concept proposal for enhanced boundary treatment that better reflects the dominant sense of enclosure found more generally throughout the conservation area.**

### **Townscape Management Proposals: Action 5a**

**To the extent that planning permission may be required the Council will seek to support such a proposal where the means of enclosure is considered appropriate.**

### **Townscape Management Proposals: Action 5b**

**The Council will also review what if any S106 contributions may currently or potentially available in the future through development to provide contributory funding for implementation of such a project.**



6. The property 'Fleurette' lacks a cohesive sense of enclosure on its road frontage which is at odds with the predominant character throughout the conservation area. The effect of such an open view is to unduly magnify the presence of this modern bungalow in the street scene along with its forecourt parking area. Whilst the adjacent listed building The Old Schoolmasters House is not enclosed with hedging the metal 'estate' railings do create characteristic enclosure. Furthermore the building is much closer to the footway which in itself makes an important townscape contribution.



Figure 62: Open frontage at 'Fleurette'

#### **Townscape Management Proposals: Action 6**

**To the extent that planning permission may be required the Council will seek to support a proposal to better enclose the site frontage to Fleurette where that form of enclosure is considered appropriate to preserving or enhancing the character of the conservation area**

7. The striking and visually important high red brick wall to Gate House farm that adjoins the footway running parallel to School Hill [west side] is showing signs of extensive erosion. This has probably arisen as a result of freeze thaw action in winter. It then becomes increasingly exposed to the action of the elements as gradual corrosion eats into mortar and brickwork. A similar wall at Orpen's Hill House also exhibits similar wear.



#### **Townscape Management Proposals: Action 7**

**The Council will seek to encourage relevant landowners to undertake sensitive works of repair of the wall in order to ensure resilience against possible future piecemeal failure and loss. This wall makes a significant contribution to the quality of the conservation area character hereabouts.**



8. As School Hill passes between the School and the Dower House opposite its narrow verges are littered with permanent plastic highway bollards. On the east side of the highway these are horizontally banded black and white posts whereas on the west side they are black plastic posts. Interspersed is an occasional grey concrete bollard with a different profile. More bollards can be found opposite Gate House Farm at the other end of the conservation area.

It is acknowledged that the bollards serve the following highway purposes:-

- (i) Prevent cars parking 'part-on' the verge and 'part-on' the road in order to avoid obstruction as the road is only wide enough to permit parking on one side only with the bollards in place. If drivers could access the verges they might be tempted to park on both sides leaving insufficient width for larger vehicles to get through
- (ii) They provide some protection from vehicles for pedestrians walking along the raised verges
- (iii) They prevent the erosion of the raised verges by vehicle wheels
- (iv) Alert drivers to the presence of the raised verges in order to prevent accidental mounting whilst moving which could cause a serious accident
- (v) Help prevent collisions with boundary fences just a few feet away.

From a conservation area perspective however the inconsistent design, material of composition and colour of the bollards adds unnecessarily to the sense of clutter and visual intrusion. Resolving this will not necessarily compromise highway safety. It does however require rationalisation and replacement with suitable conservation type alternatives.



Figure 64: Mixed bollards at the north end of the conservation area.

### **Townscape Management Proposals: Action 8**

**The Council will approach Essex County Council and as local highway authority and/or relevant landowners to explore the scope for agreeing an appropriate bollard type for use within the conservation area and a programme for the replacement of existing bollards which are currently harmful to the character of the conservation area Whilst their primary function is to enhance highway safety this objective need not be incompatible with preserving and enhancing the character of the conservation**



## 2.2 BIRCH CONSERVATION AREA: TOWNSCAPE PROPSALS: Summary Actions

TP1: The Council will contest the proposed demolition of St Peter's Church on the basis that its loss will have a significant adverse impact on the character of Birch Conservation Area contrary to national guidance, and, The Council will encourage the appropriate re-use of a retained and repaired St Peter's Church to ensure that it continues to provide a landmark in the open countryside and provide a focal point within the conservation area; and,

TP2: The Council will work with Essex County Council Highways and statutory undertakers to ensure that highway repairs and reinstatement works are carried out in a manner that preserves the character of the conservation area; and,

TP3: The Council will work with Essex County Council Highways and the North Essex Parking Partnership (NEPP) to encourage them to relocate signage where this harms the character of the conservation area and the setting of a listed building where this does not prejudice highway safety; and,

TP4: The Council will encourage telecommunication and electricity infrastructure providers to underground existing and any new cables and remove unsightly poles in order to enhance the character of the conservation area; and,

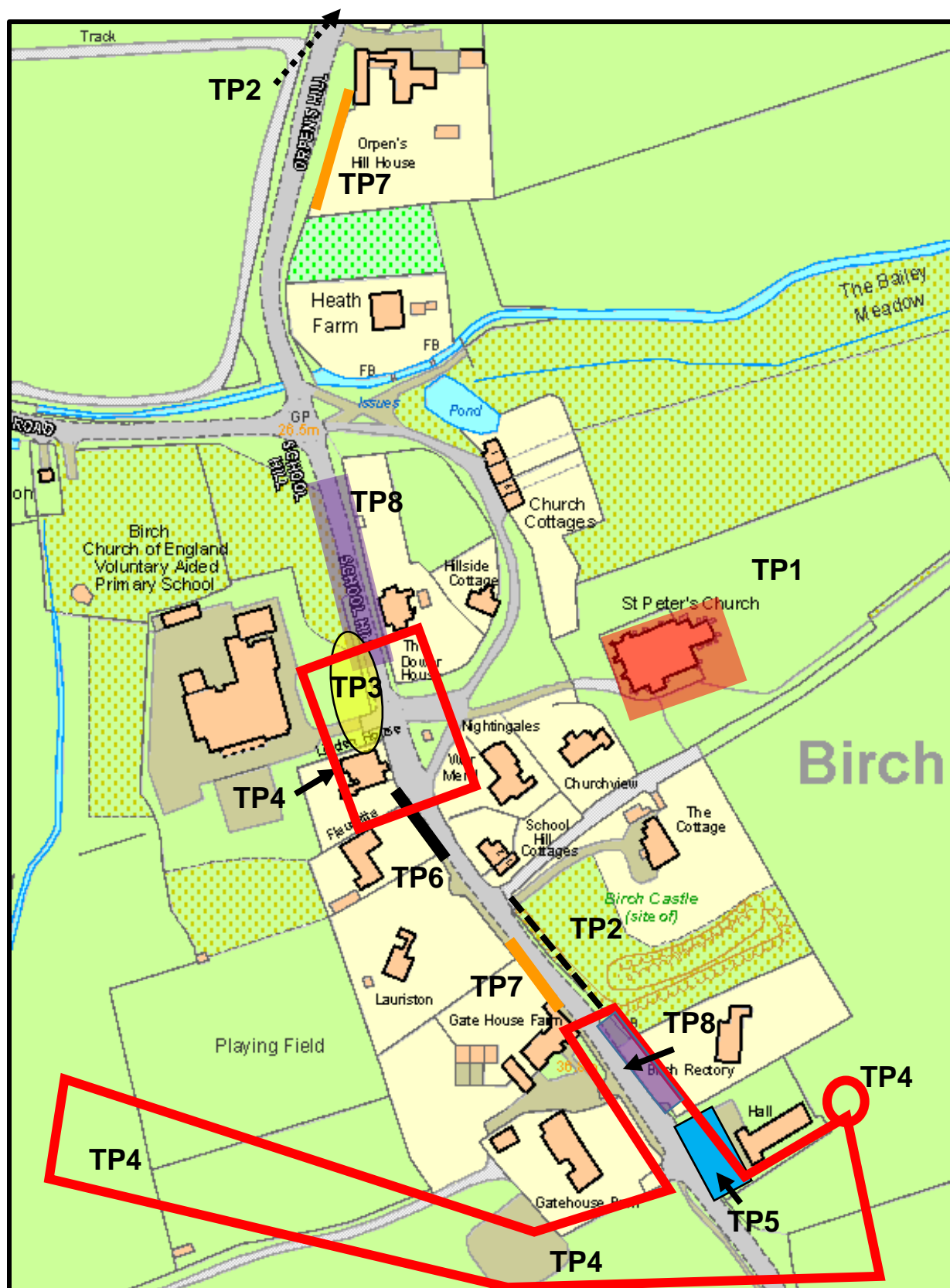
TP5: The Council will work with the Village Hall Committee to encourage the provision of appropriate form of enclosure to the front of the Village Hall car park in order to repair the uncharacteristic gap in the street frontage and thereby enhance the character of the conservation area;

TP6: The Council will seek to encourage the owners of properties within the conservation area that have open frontages to provide appropriate means of enclosure that reinforce the dominant character of the conservation area.

TP7: The Council will seek to encourage relevant landowners to undertake sensitive works of repair of the wall in order to ensure resilience against possible future piecemeal failure and loss. This wall makes a significant contribution to the quality of the conservation area character hereabouts.

TP8: The Council will work with Essex County Council Highways to explore whether existing bollards on School Hill can be replaced with well-designed conservation railings in order to repair and enhance the character of the conservation area and maintain safety.

Figure 65: The Townscape Management proposal locations (by TP reference above)





# An APPRAISAL of the LASTING IMPACT of DEMOLITION of ST. PETER's CHURCH

In assessing the significance of the designated heritage asset represented by the Church of St Peter and St Paul as an element contributing to the significance of the Birch Conservation Area, the Council has followed advice in Section 12 of the NPPF and Historic England: Conservation Principles: Policies and Guidance.

'Significance' lies in the value of a heritage asset to this and future generations because its heritage interest, which may be archaeological, architectural, artistic or historic. Archaeological interest includes 'an interest in carrying out an expert investigation at some point in the future into the evidence of a heritage asset may hold of past human activity and may apply to standing buildings or structures as well as buried remains.

The determination of the significance of a recognised heritage asset such as here at St Peter's is based on statutory designations and/or professional judgements against four values:

- Evidential value :[what does it tell us about past human activity]; and,
- Aesthetic value :[how it stimulates the senses and intellect]; and,
- Historical Value: [how it connects what once happened with what happens today]; and,
- Communal value: [how it touches the lives of people today through the lens of their contemporary values]

Taking these as our starting point the significance of the Church of St Peter to the conservation area designation can be summarised as:

## **Evidential**

It tells us about the extent to which religious observance was at the heart of this rural community for many hundreds of years the current C19 church having replaced an earlier medieval processor. It also provides the historic context for the associated graveyard and reflects the fact that the lives of the community from the cradle to the grave were bound up with the church. It may also reveal more about past activity when interpreted alongside archaeological evidence and the remains of Birch Castle.

## **Aesthetic**

St Peter's Church is a true landmark building in that its tall graceful spire not only dominates views within the conservation area and is its key focal point but also strikes a feature in the wider landscape for miles around. Its exterior with its flint stone and plain tile roof is highly attractive in terms of its varied textures, rich colours and well- proportioned and composed appearance. The Church was designed by a nationally important English Gothic Revivalist architect, Samuel Sanders Teulon [1812-1873], and represents part of his earlier canon.

## Historical

It also tells us about a relationship that once existed between a Lord of the Manor and his workers as few 'estate' villages such as Birch survive in the east of the England and this serves to distinguish the Round Estate from the surrounding countryside. The Church, the school and many of the dwellings were provided by a family of philanthropic lords of the manor. It tells us about the operation of the class system in Victorian north Essex and the extent to which the industrial revolution and the move towards urbanism left many rural agricultural communities locked into the master and servant relationship.

## Communal

It reinforces our typical and perhaps over romanticised view of the traditional rural village and country life. A view that remains strong in the popular psyche. It also reminds us of how modern society has moved on in terms of improved social mobility and opportunity. It is also a reminder of how some enlightened Victorians (perhaps not always motivated by altruism) started to change how society was organised with an increasing sense of social responsibility.

As a listed building (Grade II) St Peter's Church is recognised as having intrinsic Special Historic Interest and Special Architectural/artistic Interest. It is also located within a designated conservation area which in itself means that the area within which it sits is also designated as having Special Historic Interest and Special Architectural/artistic Interest. St Peter's church is the principal focal point within the Birch Conservation Area. It is the Council's opinion that this synergy between the two designations effectively elevates the importance of the asset in context.

Applying the scale of significance provided by the Design Manual for Roads and Bridges (2007) a Grade II listed building (such as that here in the shape of St Peter's) and a conservation area (such as that here in Birch) are individually ascribed 'Medium' significance as historic buildings. High significance within the scale is ordinarily ascribed to Grade 1 and Grade II\* listed buildings and/or conservation areas containing very important buildings.

The Council believes that the church of St Peter and St Paul should be ascribed high significance as a combination of the two statutory designations due to its important contribution to the character and appearance of the conservation area that surrounds it; being as it is its main focal point but also because of what its intrinsic significance in terms of the four heritage values (Conservation Principles 2008) and the fact that it is the centrepiece of the 'estate' village.



In terms of scoring of the perceived magnitude of impact the following classification has been used

- 5 – major
- 4 –moderate
- 3 – minor
- 2 – negligible
- 1 – no change (neutral)

Where:

**Major** indicates changes to a key historic building elements, such that the resource is totally altered as

**Moderate** indicates changes to many key historic building elements, such that the resource is significantly modified

**Minor** indicates changes to key historic building elements, such that the asset is slightly different

**Negligible** indicates slight changes to historic buildings elements or setting or setting that hardly affect it

**No change** indicates no change to fabric or setting

On this basis and assessing a range of possible outcomes the appraisal on page 35 provides an analysis of what the Council believes will be the impacts:

Note: The images below illustrate options 2 and 3 in the options analysis on page 35 overleaf.

Table 1: Option 2



Option 3



**Table 1: The Council's Assessment of the Impact of Demolition**

ref	Works having a possible impact on the significance of the building	Possible impact	Mitigation (if any)	Degree of impact
1	Complete demolition	5	Removal of all debris, salvage of materials and architectural details for re-use elsewhere and restoration of land with new landscaping and interpretation display	1
2	Alteration comprising removal of all elements except the spire as a feature in the landscape	4	Repair of any faults within retained structure and the possible need for buttressing needs exploration to maintain structural integrity. Creation of a maintenance fund to ensure long-term maintenance	3
3	Alteration comprising removal of the main nave roof and infill with a new courtyard within a residential (or other) conversion that retains spire, chancel, aisles, aisle colonnade and full west and east elevations	3	Retain and repair retained structure and sensitively re-use the retained fabric for single or multiple residential dwellings	4
4	Retain and convert all of existing structure for residential use (or other) with no new external alterations/additions or major internal alterations (and no new floor space within the existing void space)	1	Sensitive repair and no domestic paraphernalia within the grounds of the church	5
5	Retain and convert all of existing structure for residential (or other) use with external alterations/additions and/or major internal alterations (including new floor space within the existing void space)	4	Ensure that all works are architecturally sympathetic and that any new floor space includes an element of retained internal void space. Ensure that all external windows are retained with existing glass and that no new floor levels cut across window void	3



6	Combination of 3 above + limited enabling development comprising free standing structures within the wider site (but not within the area of the graves) or beyond	3	Enabling development to be enabling development must not harm the setting of the listed building. If it does so then it is not enabling development. Enabling development need not be accommodated on site	
8	Combination of 4 above + limited enabling development comprising free standing structures within the wider site (but not within the area of the graves) or beyond	3	“	
9	Combination of 5 above + limited enabling development comprising free standing structures within the wider site (but not within the area of the graves) or beyond	3	“	

Using a DMRB matrix the following overall level of impact is expected: table 2 below]

Overall level of impact						
Heritage value	Level of change					
	No change	Negligible	Minor	Moderate	Major	
Very high	Neutral	Slight	Moderate/Large	Large/Very large	Very large	
High	Neutral	Slight	Slight/Moderate	Moderate/Large	Large/Very large	
Medium	Neutral	Neutral/Slight	Slight	Moderate	Moderate/Large	
Low	Neutral	Neutral/Slight	Neutral/Slight	Slight	Slight/Moderate	
Negligible	Neutral	Neutral	Neutral/Slight	Neutral/Slight	Slight	

council's assessment banding for St Peter's

DMFR7B normal assessment banding starting point

Table 2: DMRB matrix of overall level of impact

Based on this the Council assesses the magnitude of harm to significance resulting from complete demolition of the the Church of St Peter & St Paul as follows:

	Heritage value	Level of change	Overall impact
significance	High	Very high	Very high





## 2.3 What Would the Conservation Area and the Wider Landscape Look Like Without the Presence of the Church of St Peter and St Paul?

The character of Birch Conservation Area would be significantly harmed. Churches are being lost all over the country in those areas where congregations have dwindled. Why should the loss of one more in Birch matter? The Church was the place where villagers worshipped, were baptised, married and were buried. It was the social hub of the village. In Birch it was an integral part of the community infrastructure provided by the 'Round' family as part of the Round Estate. As a building it is strikingly elegant- its slender spire being a landmark in the landscape and its form dominating the heart of the conservation area. Its loss would leave an irreparable physical void in the landscape and at the heart of the physical fabric of the conservation area.

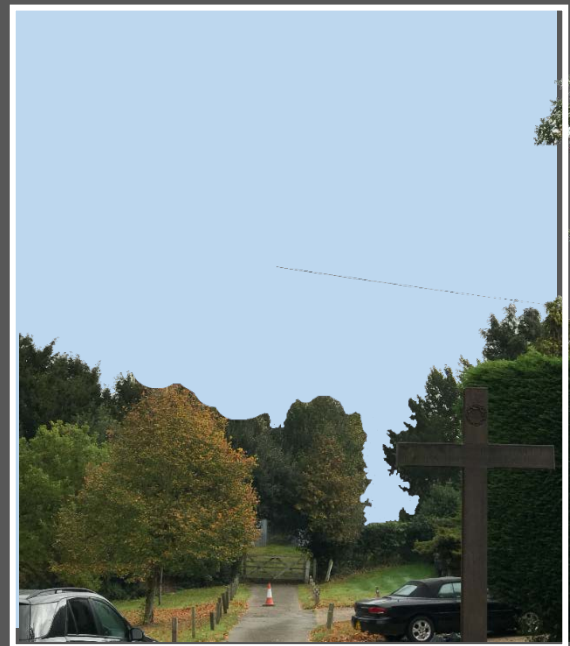


Figure 66 (t) & 66a (b): View from Lower Road





Figure 67 (t) & 67a (b): View from Orpen's Hill



Figures 68 (l) & 68a (r): **View towards St Peter's from the village green**



Figures 69 (above) & 69a (below): **View towards St Peter's from the graveyard**







Figures 70 (t) & 70a (above): **View towards St Peter's from B1022**

Figures 71 (below) & 71a (bottom): **View towards White Cottages**



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**Development Management Proposals follow...**



## 2.5 'DEVELOPMENT MANAGEMENT' PROPOSALS

### 2.6 LEGISLATIVE BACKGROUND

The designation and appraisal of any conservation area is not an end in itself. The purpose of this document is to present proposals to achieve the preservation and enhancement of the conservation area's special character, informed by the appraisal, and to consult the local community about these proposals. The special qualities of the area have been identified as part of the appraisal process in the first section of this document and both will be subject to monitoring and reviews on a regular basis. This guidance draws upon the themes identified in the negative features and issues section of this document. The document satisfies the statutory requirement of Section 71(1) of the Planning (listed Buildings & Conservation Areas) Act 1990. Namely:

*"It shall be the duty of the local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas."*

The document also reflects national policy as described in the National Planning Policy Framework (NPPF).

It is recognised that within the Birch Conservation Area there likely to be demand for new development in the shape of infill and replacement dwellings. It is therefore important that the *Development Management* process ensures the preservation of special character and that opportunities are taken to identify and implement enhancements.

The Adopted Core Strategy (2008, 2010 & 2014) defines Birch as a rural community [village] within the "*Settlement Hierarchy*" for Colchester. The conservation area is not within a defined settlement boundary and so the

Rural Communities Policy ENV2 has at its heart a presumption against new residential development in areas without a defined settlement boundary. The properties within the conservation area represent what can best be described as sporadic development in the countryside. (rural exception housing may be possible if it meets identified local need)

### 2.7 STATUTORY CONTROLS

Designation as a conservation area brings a number of specific statutory provisions aimed at assisting the '*preservation and enhancement*' of the area. Demolition of an unlisted building in a conservation area generally requires planning permission. *Permitted Development* rights are also reduced for extensions and alterations and there are greater restrictions on advertisements/ Prior notice is required for works to trees.

#### MP1:

The Council will ensure that new development within the conservation area preserves and enhances the character and appearance of the area. Development that fails to achieve this will be refused in line with Policy DP14 of the Adopted Development Policies Document (2010].

### 2.8 BUILDINGS of TOWNSCAPE MERIT

The Townscape Appraisal Map identifies three properties (non-listed) as 'Buildings of Townscape Merit' which, it is considered, make a positive contribution to the character and appearance of the conservation area, and these are marked on the Townscape Appraisal Map. These properties are now considered to fall within the policy ambit of DP14 referred to previously.

Any application for the demolition of Buildings of Townscape Merit will need to be accompanied by a reasoned justification (similar to that required for a listed building) stating why the

building should be demolished.

The Council will expect an applicant seeking the demolition of a 'Building of Townscape Merit' to demonstrate that:

- The building is beyond economic repair;
- The building has been offered on the open market at a realistic price;
- If vacant, that alternative uses have been sought

Furthermore, the Council will expect all applications for extensions and alterations to Buildings of Townscape Merit to be particularly carefully considered and only well detailed schemes, using the appropriate traditional materials, will be approved.

#### **MP2:**

The Council will ensure that all Buildings of Townscape Merit are protected from inappropriate forms of development or unjustified demolition including the use of Article 4 Notices. Furthermore, there must be satisfactory proposals for the redevelopment of any site before consent will be granted for demolition.

#### **MP3:**

The Council will explore whether the three buildings identified as having Townscape Merit are worthy of statutory listing once a detailed inspection has been undertaken. In the event that they are not listable then an Article 4 Direction removing all domestic PD rights will be considered.

## **2.9 EROSION of CHARACTER and ADDITIONAL PLANNING CONTROLS**

As a consequence of this appraisal the following alterations are considered to pose a threat to the special character of the area:

- Loss of timber windows, doors and/or decorative barge boards
- Removal of decorative chimney stacks and pots
- Removal of clay plain tiles or real slates
- Use of concrete roofing materials

- Use of UpVC eaves detailing, fascia boards, door surrounds, rain water goods etc.
- Removal of means of enclosure (whether planted, walls, railings or picket fences to property frontages to create open frontage
- Painting of brickwork or application of any new cladding or render or pebbledash
- Use of non-matching bricks (colour and texture), bond and mortar in wall repairs
- Construction of adoptable footways and installation of standard street lighting columns

Certain minor works and alterations to unlisted buildings, in use as a single family dwellings, can normally be undertaken without planning permission from the Council.

Unauthorised works (*works required planning permission that have been carried out without such approval*) if undertaken can have an adverse impact on the character of a conservation area. The Council will take appropriate enforcement action, where it is expedient, to remove unauthorised work, signage and uses in the Birch Conservation Area.

#### **MP4:**

The Council will ensure that unauthorised development is subject to timely and effective enforcement action, to ensure that the special qualities and character of the conservation area are preserved. Untidy sites may be the subject of the service of S215 Notice/s by the Council.

#### **MP5:**

In safeguarding the physical wellbeing of listed buildings within the Birch Conservation Area the Council will where appropriate serve appropriate Legal Notices on property owners to ensure that Urgent Works are undertaken where this will prevent ongoing decay from poor maintenance and/or a Repairs Notice to make buildings weather-tight



## 2.10 TREES

Within conservation areas, anyone intending lopping or felling a tree greater than 100mm, in diameter at 1.5 metres above the ground must give the Council six weeks written notice before starting work. This provides the Council with an opportunity of assessing the tree to see if it makes a positive contribution to the character or appearance of the conservation area., in which case a Tree preservation order [TPO] may be served. Whilst this appraisal identifies a number of significant trees which should be retained a further detailed arboricultural survey is required to make a proper assessment of the public amenity value of the many trees within the conservation area. With the future of St Peter's Church currently in the balance (as it faces demolition) particular attention needs to be given to the amenity value of trees within the curtilage of the church and the necessity of safeguarding them with a TPO as the site faces the threat of future possible development..

### **MP6:**

The Council will consider the use of TPO's in appropriate circumstances where a tree has significant amenity value and is under threat. This will include trees both within and outside the conservation area or views identified in this appraisal.

### **MP7:**

In view of the current uncertainty over the future of the church of St Peter and St Paul and the potential threat to trees on the site the Council will undertake a TPO assessment and make such trees as are considered appropriate the subject of a TPO. Whilst it is not normal to telegraph such action the current conservation area status affords sufficient protection to prevent pre-emptive felling.

## 2.11 SETTING and VIEWS

The setting of the conservation area is very important and development that impacts in a detrimental way upon the immediate setting and longer views, into and from the conservation area, will be resisted. The important views are identified on the Views Analysis Map. The Council will ensure that all development serves to respect these important views.

### **MP8:**

The Council will ensure that all development respects the important views within, into and from the conservation area as identified in the appraisal. The Council will ensure that these remain protected from inappropriate forms of development. Regard will be given to the Colchester LCA [2005] when determining planning applications.

## 2.12 MINERALS

The conservation area and its surrounding agricultural hinterland sit on [or close to] beds of sand and gravel. Consequently the future demand for such minerals could result in their being pressure to realise such assets. Whilst Colchester Borough Council is not the mineral authority it would expect to work closely with Essex County Council [the local mineral authority] to ensure that any future mineral excavation will not harm the character of the conservation area or that of the sensitive ecology and hydrology of the Roman River Valley.

### **MP9:**

The Council will seek to protect the conservation and its setting and the Roman River valley from inappropriate mineral excavation activity likely to harm their character and ecological value.

## 2.13 HIGHWAYS

Within the ‘*negative impacts*’ and ‘*action plan*’ sections of this appraisal it has been noted that the character of the conservation area is being harmed by piecemeal, inconsistent and inappropriate verge repairs along with a clutter of street signs in prominent places. As a consequence the action plan will be supplemented here in the Management Proposals by a commitment to tackle these issues with the local highway authority and the North Essex Parking Partnership [NEPP]

### **MP10:**

The Council will seek to ensure, where compatible with highway safety objectives, that any future highway works will bring positive improvement to the setting of the conservation area

### **MP11:**

The Council will pursue the issues identified in the action plan to restore the character of the conservation area that has been lost through excessive street signage and poor verge maintenance

## 2.14 The COMMUNITY

People make places. Although the Council has planning powers it can exercise over development and may, when funds are available, carry out enhancement works, ultimately the quality of any place depends on all the people who affect the area. In residential areas the owners of property play a key role in affecting how the area looks. It is clear from the current appraisal that in Birch great pride is taken in the look of the place by the people who live there. Good communication between local residents and the Council is one way of helping owners and the Council carry out appropriate works and take informed decisions are a benefit.

### **MP12:**

The Council will seek to promote close collaborative working with owners on all issues relevant to the management of the area, including proposals for development and enhancement, within and adjoining the conservation area.

### **MP13:**

The Council will explore how to deliver enhanced interpretation for Birch Conservation Area



## 2.15 MONITORING and REVIEW

The following actions are to be taken to ensure that this appraisal and management proposals are accepted and acted upon by the local community

## 2.16 PUBLIC CONSULTATION

This document if approved for consultation by the Council's Local Plan Committee will be subject to six weeks public consultation over a period to be agreed early in 2018.

Representations will be considered in the preparation of the final draft for Adoption by the Council.

## 2.17 BOUNDARY REVIEW

The appraisal identified that the existing boundary was generally a good reflection of the area of special character and consequently no revisions are suggested to the existing designation

## 2.18 DOCUMENT REVIEW

This document should be reviewed every five years or once the future of St Peter's Church is determined by appeal whichever is the sooner.

A review should include the following:

- A survey of the conservation area and boundaries;
- An updated 'Heritage Count' comprising a photographic record of the area's buildings;
- An assessment of whether the management proposals and action plan detailed in this document have been acted upon, including proposed enhancements;
- A Buildings at Risk survey identifying any buildings whose condition threatens their integrity;
- The production of a short report detailing the findings of the survey and proposed actions and amendments;
- Public consultation on the review findings, any proposed changes and input into the final review



**2023**

## 2.19 REFERENCES AND SOURCES

[illegible]



## 2.20 USEFUL CONTACTS

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# Birch Conservation Area

a character appraisal & management proposals



March 2018