

## Local Plan Committee

Item  
**7**

6 February 2023

Report of	Eirini Dimerouki/Simon Cairns	☎ 5346 & 8650
Title	<b>Amendments to Colchester Conservation Area No 4 : North Station Road and Environs Designation, Character Statement &amp; Management Proposals</b>	
Wards affected	Castle	

### 1. Executive Summary

- 1.1 The Committee previously approved public consultation on the Draft Conservation Area Character Appraisal and Management Proposals on 19 March 2018 followed by adoption of an extended area on the 8 April 2019. This report now seeks Local Plan Committee approval to proceed with;
- Consultation on a proposed small extension to the designated Colchester Conservation Area No 4: North Station and Environs as shown in Appendix I;
  - public consultation on a revised character statement and management proposals which provides more detailed analysis of the special qualities of the area and revised management proposals including a proposed article 4 direction.
  - Agree to instigate the Statutory process for the making of an article 4 direction, as proposed. This removes permitted development rights to carry out development without seeking permission from the City Council.
- 1.2 The report addresses the main changes proposed to the supporting documentation for the area designation including the scope of the proposed article 4 directions which includes both residential and commercial properties.

### 2. Recommended Decision

- 2.1 The Local Plan Committee is asked to agree to proceed with public consultation, commencing during February 2023, concerning a small proposed extension to the designated area of the Colchester Conservation Area No 4: North Station and Environs to include a further 6 terraced houses in Causton Road.

- 2.2 To agree to consultation upon the revised supporting documentation and in particular, a revised character statement and management proposals and
- 2.3 To agree to carry out the statutory process for the making of an article 4 direction as proposed and described in paragraph 5.9 below.
- 2.4 Responses received to the consultation will then be reported back for future consideration together with any suggested revisions to the supporting statement and management proposals, including the draft article 4 direction

### **3. Reason for Recommended Decision**

- 3.1 Revisions to the designated area and the supporting statement for Conservation Area No.4 will enable more effective protection of its special character and appearance since its statutory designation and allied guidance will become a material consideration for the determination of planning applications and development management decisions. Section 69(2) of the PI (LB & CA) Act 1990 requires that *"it shall be the duty of a lpa from time to time to review the past exercise of any functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly."* The actions now proposed implement this statutory duty.

### **4. Alternative Options**

- 4.1 The Committee could decide not to proceed with the small extension to the designated Conservation Area, the proposed revisions to the supporting statement and management proposals (including the proposed article 4 directions). However, such a decision would not take opportunities to secure the most effective preservation and enhancement of the special qualities of the Conservation Area.
- 4.2 Alternatively, the Committee could agree to adopt different boundaries for the designation or alternative changes to the text of the supporting statement and detailed management proposals.

## **5. Background Information**

- 5.1 A six-week formal public consultation is proposed to commence in February 2023. This will include the proposed extension to the designated area (to include a further 6 terraced houses in Causton Road) as shown in Appendix I, and seek views on the Revised Draft Conservation Area Character Appraisal and Management Proposals, Appendix II to this report. The proposed changes to the management proposals have been drawn up to reflect the opinions expressed by the North Station Road Residents Group concerning the perceived threats to the special qualities of the area. This consultation would essentially repeat the channels used in previous rounds of consultation in 2018 and 2019 (see below).
- 5.2 The Committee previously resolved to extend the designated conservation area boundary to include parts of Belle Vue Road and North Station Road which were considered to be of special interest. A Character Appraisal that covered these areas and also included Digby House and the riverside open space immediately to the east, was prepared in response and this was then subject to re-consultation as an addendum to the Draft Conservation Area Character Appraisal and Management Proposals.
- 5.3 As before it is proposed that the public will be notified and given the opportunity to participate in the consultation exercise in two ways:
- A.) via the Council's Planning Consultation webpage, which will provide information on the consultation process, a link to view and download the "Consultation Draft of the Conservation Area Appraisal and Management Proposals" document (including the "Belle Vue Road, Northern end of North Station Road and Digby House and adjacent Riverside Addendum") and a link to download a Response Form. The Form, includes groups of questions, inviting the participants to express their support or opposition to the designation, state their views on the principle of restricting permitted development rights, suggest alterations to the proposed boundary and add any comments on the Revised Consultation Draft of the Conservation Area Appraisal and Management Proposals.
- B.) the owners or occupiers of the properties within the limits of the proposed Conservation Area will be notified with letters sent by post at the start of the consultation period (early 2023). Previously One thousand one hundred eighty nine (1189) letters were sent to individual addresses., The consultation letter will inform the recipients of the implications on new planning restrictions and responsibilities for home owners due to the proposed designation and invite them to participate in the consultation process. Additionally, it will explain the implications of the prospect of an Article 4 Direction to withdraw permitted development rights for certain categories of works to dwellings.

The Consultation Draft of the Revised Conservation Area Appraisal and Management Proposals document will be available to view in the Colchester

Town Library and on request from the Council offices, either the Town Hall or Rowan House depending on the timing / opening of the latter.

- 5.4 Consultation responses can be sent to the Council by email or by post.
- 5.5 In 2019 the re-consultation responses received indicated that the public did not call for any revisions or amendments to the “Consultation Draft of the Conservation Area Appraisal and Management Proposals” document and the “Belle Vue Road, Northern end of North Station Road and Digby House and adjacent Riverside Addendum” and the designation of the proposed Conservation Area proceeded based on these documents.
- 5.6 Since that time, changes to the use Classes Order (2015 as amended) and the General Permitted Development Order (GPDO) in September 2020 created a new class E including retail, financial and professional services, offices, food and beverage that provides much greater flexibility for permitted changes between these uses that would formerly have required the submission of a planning application. Part 3 of the GPDO includes provisions for a potential change of use from these Class E uses to residential Class C3 (subject to conditions and a process of prior approval) under Class MA. The proposed article 4 direction seeks to withdraw this permitted change of use from commercial properties along North Station Road and to require the submission of a planning application for determination by the City Council.
- 5.7 The importance of North Station Road as a key route and gateway linking North Station to the City centre is well established and the active commercial frontage uses are an important part of the character and appearance of this important corridor and gateway leading to the City centre. The proposed article 4 direction would not prevent such changes per se, but would instead allow detailed consideration to be given on a case by case basis to the potential impact and planning merits of the proposed change of use.
- 5.8 The existing conservation area includes areas of mainly terraced housing adjacent to the mainly commercial principal North Station Road Street frontage. These cohesive streets of simple terraced brick houses are united by their uniformity but easily eroded by piecemeal changes including: replacement of slate roofing by concrete tiles, removal of chimney stacks and frontage boundary walling, rendering and painting of brick elevations and removal of terracotta detailing, the addition of porches, together with the replacement of timber sash windows and doors by plastic substitutes (sometimes involving the alteration of openings). The proposed article 4 direction is intended to remove the permitted development rights for such alterations to public elevations of dwellings thereby requiring the submission of a planning application to execute these works. A fee is required for the submission of such applications.
- 5.9 A statutory process must be followed for the successful making of an article 4 direction. The procedures for making an article 4 direction are set out in [schedule 3 of the General Permitted Development Order](#). Historic England guidance is available at: [Restricting Permitted Development: Article 4](#)

[Directions and Heritage – Planning Law Overview | Historic England](#). National Planning Practice Guidance (Paragraph: 038 Reference ID: 13-038-20210820) states that “The National Planning Policy Framework advises that all article 4 directions should be applied in a measured and targeted way. They should be based on robust evidence and apply to the smallest geographical area possible.

- 5.10 Where an article 4 direction relates to a change from non-residential use to residential use, it should be limited to situations where an article 4 direction is necessary to avoid wholly unacceptable adverse impacts. In other cases, article 4 directions should be limited to situations where it is necessary to protect local amenity or the well-being of the area.

The potential harm that the article 4 direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:

- a wide area (e.g. those covering a large proportion of or the entire area of a local planning authority),
- an area extending beyond the essential core of a primary shopping area.

- 5.11 The Secretary of State retains the power to change the scope and area to which an article 4 may apply. In this instance, the proposed article 4 directions are considered to comply with the Government’s advice above.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:-

<http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>

- 6.2 The slight changes proposed to the designation of the Conservation Area No.4 and associated supporting documentation will not have adverse impact on equality, diversity and human rights as the property owners will be notified and offered the opportunity to participate in the consultation process. Their opinions will be carefully considered and reported back for consideration by the committee.

## **7. Strategic Plan References**

- 7.1 The Council’s Strategic Plan 2018-2021 includes “*Opportunity*-Promoting and improving Colchester and its environment.” as one of its key objectives. The designation of Colchester Conservation Area No 4: North Station and Environs will contribute to this theme that seeks to “Promote and enhance Colchester borough’s heritage and visitor attractions to increase visitor numbers and to support job creation.

## **8. Consultation**

- 8.1 The requisite public consultation is planned in early 2023 to maximise the potential for public engagement.

## **9. Publicity Considerations**

- 9.1 It is a statutory duty to consult on the proposed revisions to the designation of the No.4 Conservation Area which has publicity considerations for the Council. The proposed changes demonstrate a commitment to the environmental quality of the area, the well-being of residents and regeneration of the area. Consequently, the initiative may be well-received for demonstrating the Council's proactive approach to heritage protection and enhancement of the historic environment.

## **10. Financial implications**

- 10.1 The designation of the proposed Conservation Area does not entail any financial implications for the Council. However, the imposition of article 4 directions as proposed will require the submission of planning applications with a requirement for an associated fee.
- 10.2 The proposed article 4 directions have an associated low risk of liability to pay compensation. The NPPG states at Paragraph: 042 Reference ID: 13-042-20140306

### **"Is compensation payable where permitted development rights have been withdrawn?"**

If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

- refuses planning permission for development which would otherwise have been permitted development; or
- grants planning permission subject to more limiting conditions than the General Permitted Development Order

- 10.3 The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights."

## **11. Community Safety Implications**

- 11.1 The designation of the proposed Conservation Area does not involve any community safety implications for the Council.

## **12. Health and Safety Implications**

- 12.1 No Health and Safety implications are associated to the designation of the proposed Conservation Area.

## **13. Risk Management Implications**

- 13.1 No Risk Management implications are associated to the designation of the proposed Conservation Area.

## **14. Environmental and Sustainability Implications**

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National

Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

- 14.2 The proposed changes and management of the North Station Conservation Area contributes positively to the environmental objectives.

## **Appendices**

Appendix I: **Proposed Amended Conservation Area Boundary**

Appendix II: Adoption Draft Conservation Area Statement and Management Proposals.

## Appendix I: **Proposed Amended Conservation Area Boundary**





**Appendix II Consultation Draft Conservation Area Appraisal & Management  
Proposals (February 2023)**