



## Local Plan Committee

Item

7

22 February 2024

**Report of**

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Historic Buildings and Areas Officer

☎ 5346

**Title**

Amendments to “Colchester Conservation Area No 4 : North Station Road and Environs” Character Appraisal and Management Proposals

**Wards affected**

Castle

### 1. Executive Summary

- 1.1 The Council’s Local Plan Committee previously resolved to approve the following with regard to “Colchester Conservation Area 4: North Station Road and Environs”:
- Public Consultation on a proposed small extension to the boundary of the Conservation Area.
  - Public consultation on the revised draft “Character Appraisal” which provides an updated analysis of the Conservation Area and “Management proposals” which include the use of two Article 4 Directions (one Direction for dwellinghouses and a separate Direction for commercial properties).
  - Instigate the Statutory process for the making of the Article 4 Directions. These remove certain permitted development rights (the right to carry out certain development without seeking permission from the City Council).
- 1.2 This report seeks Committee approval to the extension to the boundary of the Conservation Area designation, the adoption of the revised “Character Appraisal and Management Proposals” and the making of the Article 4 Directions.
- 1.3 This Report provides a summary of the consultation and of the public responses received. Additionally, the report addresses the main concerns raised in responses, illustrating that these issues are addressed by the Character Appraisal. No amendments are proposed to the Character Appraisal and Management Proposals (including the proposal to extend the boundary of the Conservation Area and the making of the Article 4 Directions) as the result of the public consultation. The document can be adopted without further changes and the statutory process for making the Article 4 Directions (as described in Par.5.17 of this report) can be initiated.

## **2. Recommended Decision**

- 2.1 To agree to the proposed extension to the boundary of “Colchester Conservation Area No 4: North Station and Environs” to include a further 6 terraced houses in Causton Road (shown in Map included in Appendix I).
- To adopt the revised draft “Character Appraisal and Management Proposals” (as shown in Appendix II);
  - to agree to commence the statutory process for the making of the Article 4 Directions (draft Directions included in Appendix III).

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

- 3.1 The revision to the boundary of Colchester Conservation Area 4 and the updated “Character Appraisal and Management Proposals” will enable more effective protection of its special character and appearance. Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall determine areas which it is desirable to preserve and enhance and designate them as Conservation Areas. According to Section 69(2) of the Act, Local Planning Authorities are required to review their past activities in their area, including existing Conservation Areas, and to designate more Conservation Areas. Section 71(1), (2) and (3) place a duty upon Local Planning Authorities to formulate and publish proposals for the preservation and enhancement of Conservation Areas and consult the public in the area in question, taking account of views expressed. The actions now proposed would carry out these statutory duties.
- 3.2 The use of the Article 4 Directions will give more effective control over alterations that could otherwise erode the character and cohesive quality of the Conservation Area.

## **4. Alternative Options**

- 4.1 The Committee could decide not to proceed with the small extension to the Conservation Area or adopt the proposed revisions to the “Character Appraisal 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.

## 5. Background Information

- 5.1 Following approval by the Local Plan Committee the consultation period commenced on 17 November 2023 and was completed on 10 January 2024. The Public Consultation sought views on the proposed extension to the Conservation Area (to include a further 6 terraced houses in Causton Road) as shown in Appendix I, the revised draft “Conservation Area Character Appraisal and Management Proposals” ( Appendix II to this report) and the making of the Article 4 Directions ( Appendix III). 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.
- 5.2 The public were notified and given the opportunity to participate in the consultation exercise in two ways:
- A. Via the Council’s Planning Consultation webpage, which provided information on the consultation process, a link to view and download all relevant information and a response form.
  - B. The owners or occupiers of the properties within the boundary of the proposed Conservation Area were notified with letters sent by post on 17 November 2023. One Hundred sixty (160) letters were sent to residential addresses and one hundred twelve (112) letters were sent to commercial addresses. The letters explained the implications of the proposed Article 4 Directions and invited them to participate in the consultation process.
- 5.3 The Council received three (3) responses in total. All were sent by email and included comments in the body of the message. Twenty-two (22) letters were returned as undelivered.
- 5.4 The comments can be summarised in five categories:
- a. comments of support.
  - b. comments and concerns about the Conservation Area in general.
  - c. objections and concerns about the Article 4 Direction (residential properties)
  - d. concerns and enquiries about the Article 4 Direction (commercial properties).
  - e. miscellaneous queries and comments.
- 5.5 The comments which discussed the Conservation Area and its management in principle are summarised as follows:
- The Conservation Area does not deserve its designated status; it is not aesthetically pleasing and includes properties that have been altered by past development.
  - Concerns were expressed regarding North Station Road, in terms of appearance, quality of the public realm, security etc.
  - Unlawful works have been carried out to residential and commercial properties since the designation of the Conservations Area which indicate that the additional controls would not be effective.

- There is lack of vision regarding the viability of the Conservation Area or any action plan for restoring its character.
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5.6 The summary of the comments that relate to the commercial Article 4 Direction is as follows:

- The Article 4 Direction would deter owners from maintain their properties and/or add an onerous cost to maintenance works.
- The Article 4 Direction would be onerous to homeowners who want to maintain their properties whereas there is no mechanism to ensure that owners of neglected properties would do the same.
- The Article 4 Direction would prevent homeowners from improving the energy efficient of their properties and add an onerous financial burden to the current fuel and cost of living crisis.
- The introduction of the Article 4 Direction comes too late to have any real impact and does not address wider issues (poor air quality, poor quality of public realm, loss of green spaces and crime levels).

5.7 The summary of the comments that relate to the commercial Article 4 Direction is as follows:

- Clarifications were requested as to whether the proposed Article 4 Direction would affect residential and commercial properties.
- Concerns were raised regarding the residential conversion of former office buildings (Midlands House, Seatrade House and Riverside Office Complex) in terms of accommodation quality and pressures generated on the area (from increased accommodation, parking and waste).

5.8 The responses include some miscellaneous comments and queries as follows:

- The Article 4 Direction will be onerous to properties within the Conservation Area whereas properties located outside, but adjacent to the boundary, are not subject to the same controls.
- Concerns were expressed that the area of the former Open Air Swimming Pool at Colne Bank Bridge is used for parking despite the Belle Vue parking which should serve this purpose.
- Clarifications requested regarding the cost of planning permission applications.

5.9 With regard to the general comments about the Conservation Area, it should be noted that, although the public consultation did not query on the status of the Conservation Area, the revised "Character Appraisal" reviewed its condition, summarised anew its significance and confirmed that it is an area of sufficient architectural and historic interest to merit its designation as a Conservation Area. Additionally, the "Character Appraisal" identified various threats to the quality of its character and appearance, including issues that relate to North Station Road. Although, some of the problems identified by the commentators (crime levels, sense of danger, lack of air-quality etc) cannot be solely addressed with planning initiatives, the revised Management Proposals set out the vision for the Conservation Area and the necessary action for its protection

and enhancement. Although there is no planning mechanism for reversing past unsympathetic works or development, the “Management Proposals” (including the use of the Article 4 Directions) aim to prevent further harm and ensure that future development would not have a harmful impact on the significance of the Conservation Area. Unlawful works carried out since the designation of the Conservation Area in 2019 which have come or brought into the attention of the Council have been addressed by the Council’s Planning Enforcement Team, as appropriate. The fact that such incidents occur despite the status of the Conservation Area does not demonstrate that its designation is ineffective. However, the use of the Article 4 Directions would ensure that additional authority is vested in the Council to require applications for changes of use or operational development that are potentially harmful to the special qualities which justify the designation of the Conservation Area. Applicants would still have recourse to appeal if the council resolved to refuse permission for the works.

- 5.10 In terms of the residential Article 4 Direction, it is worth noting that its use generates the requirement for an application for planning permission for specified categories of development that would otherwise benefit from permitted development rights under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015. Its provisions do not generate this requirement for maintenance works or like-for-like repairs. Although there is not a planning mechanism for enforcing owners to carry out maintenance works in their private properties (other than an s.215 notice), the Article 4 Direction would not prevent homeowners who wish to carry out standard maintenance works or add an extra cost to them. Similarly, the Direction would not prevent owners from improving the energy efficiency of their properties but would ensure that the works for securing such improvements are done sympathetically to the character and appearance of the Conservation Area. As noted in the previous paragraph, as a planning initiative, the Article 4 Direction would not resolve wider and complex issues raised by the commentators but is aimed at preventing the further erosion of the Conservation Area’s quality from the cumulative effect of minor uncontrolled changes.
- 5.11 The making of two separate Directions for dwellinghouses and commercial properties is included in the revised “Management Proposals”; the Council’s intention to introduce the two Directions was also set out in the Public Consultation webpage and the letters sent to owners/ occupiers. However, separate letters were sent to dwelling houses and commercial properties, each one contains the respective Article 4 Direction and supporting information, which may account for the commentators’ confusion as to whether the Direction would affect dwellinghouse only or commercial properties as well. The concerns raised regarding the residential conversion of former office buildings on North Station Road (Seatrade House, Midlands House and Riverside Office complex) are covered in the “Character Appraisal” (Section 4.3) and the use of the proposed commercial Article 4 Direction seeks to prevent wholly unacceptable adverse impacts arising from the permitted change from non-residential use to residential use. A planning application would be required for such changes of use and if refused, a right of appeal exists.

- 5.12 The summary of the responses and the consideration of the issues raised by the respondents indicates that the public consultation exercise did not call for any revisions or amendments to the revised draft “Conservation Area Appraisal and Management Proposals” (including the proposal for an extension to the boundary of the Conservation Area and the making of two Article 4 Directions).
- 5.13 The process for making an Article 4 Direction is prescribed in Schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (available at <https://www.legislation.gov.uk/ukxi/2015/596/schedule/3/made> ) and involves formal notification and advertisement of the Direction.

## **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 changes proposed to the boundary of the designated Colchester Conservation Area 4 and associated supporting documents will not have adverse impact on equality, diversity and human rights as the property owners were notified and offered the opportunity to participate in the consultation process. Their opinions were carefully considered and reported back for consideration by the Committee in Section 5.0 of this report.

## **7. Strategic Plan References**

- 7.1 The Council’s Strategic Plan 2023-2026 includes “Celebrate our city and culture.” as one of its key objectives ‘by making our city a better place to live, work and visit’. The management proposals for Colchester Conservation Area No 4 will contribute to this achieving this aim.

## **8. Consultation**

- 8.1 The six-week public consultation was carried out between 17 November 2023 and 08 January 2024. Details on the process and a summary of the responses are included in Section 5.0 of this report.

## **9. Publicity Considerations**

- 9.1 The introduction of the Article 4 Directions may generate publicity for the Council. As the consultation responses demonstrate, there may be some concerns regarding the implications for property owners and possible financial implications, but the limited number of responses indicate that the initiative will be well-received and demonstrates the Council’s proactive approach to heritage protection and enhancement of the historic environment.

## **10. Financial implications**

- 10.1 The amendment to the boundary of the Conservation Area and the adoption of the revised Character Appraisal and Management Proposals will not have financial implications for the Council. The making of the Article 4 Directions involves costs arising from the notification in writing to the property owners and advertisement of Directions.
- 10.2 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. It should be noted that Article 4 Directions already exist in several locations within the borough and there have been no successful compensation claims.

## **11. Health Wellbeing and Community Safety Implications**

- 11.1 No Health Wellbeing and Safety implications are associated to the actions covered in this report.

## **12. Risk Management Implications**

- 12.1 No Risk Management implications are associated to actions covered in this report.

## **13. Environmental and Sustainability Implications**

- 13.1 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. The conservation of historic fabric is inherently sustainable by virtue of the embodied carbon.

## **Appendices**

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

**Appendix II:** Draft “Conservation Area Statement and Management Proposals.”

**Appendix III:** Draft Article 4 Directions (for residential and commercial properties)



**Appendix I: Proposed Amended Conservation Area Boundary  
(extension marked in red dotted line)**





**Appendix II:** Revised Draft “Conservation Area Statement and Management Proposals.” Attached

## **Appendix III: Draft Article 4 Directions (for residential and commercial properties)**

### Article Direction for Residential Properties

#### **DRAFT**

#### **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) DIRECTION MADE UNDER ARTICLE 4(1)**

**WHEREAS** Colchester City Council being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“The Order”) is satisfied that it is expedient that development of the description set out in in the First Schedule below should not be carried out on the land described in the Second Schedule below and shown edged black on the plan annexed hereto unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

**NOW THEREFORE** the said Council in pursuance of the power conferred on them by article 4(1) of the of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) hereby directs that the permission granted by Article 3 of the said Order shall not apply to development specified in the First Schedule below in respect of the land specified in the Second Schedule below and edged black (for identification purposes only) on the plan annexed hereto.

#### **FIRST SCHEDULE**

- (i) Development permitted by Class A of Part 1 of Schedule 2 of the Order, more particularly the enlargement, improvement or other alteration of a dwellinghouse.
- (ii) Development permitted by Class B of Part 1 of Schedule 2 of the Order, more particularly the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- (iii) Development permitted by Class C of Part 1 of Schedule 2 of the Order, more particularly any other alteration to the roof of a dwellinghouse.
- (iv) Development permitted by Class D of Part 1 of Schedule 2 of the Order, more particularly the erection or construction of a porch outside any external door of a dwellinghouse.
- (v) Development permitted by Class G of Part 1 of Schedule 2 of the Order, more particularly the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.
- (vi) Development permitted by Class A of Part 2 of Schedule 2 of the Order, more particularly the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other

means of enclosure.

- (vii) Development permitted by Class B of Part 2 of Schedule 2 of the Order, more particularly the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).
- (viii) Development permitted by Class C of Part 2 of Schedule 2 of the Order, more particularly the painting of the exterior of any building or work.

## **SECOND SCHEDULE**

The residential properties within the boundary of Colchester Conservation Area No.4 – North Station Road and Environs, Colchester, County of Essex which include:

- 19 and 19a Middleborough;
- 5-7 Riverside Walk (consec);
- 1 Market Close;
- 1-18 Causton Road( consec);
- 29, 39-43 and 139-157 North Station Road (odd);
- 50, 60-64, 70-82, 108-130 and 136-140 North Station Road (even);
- 1-6 John Harper Street (consec);
- Morten Road, Orchard Road and St Paul's Road;
- 3-9 Colne Bank Avenue (odd);
- 8-42 Colne Bank Avenue (even);
- 1-33 Belle Vue Road (odd);
- 6-8 and 10-16 Belle Vue Road (even).

## Article Direction for Commercial Properties

### **DRAFT**

#### **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) DIRECTION MADE UNDER ARTICLE 4(1)**

**WHEREAS** Colchester City Council being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“The Order”) is satisfied that it is expedient that development of the description set out in in the First Schedule below should not be carried out on the land described in the Second Schedule below and shown edged black on the plan annexed hereto unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

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#### **FIRST SCHEDULE**

The development referred to in Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), not being development comprised within any other class, that is to say:-

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the UCO”) to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the UCO.

#### **SECOND SCHEDULE**

The commercial properties within the boundary of Colchester Conservation Area No.4 – North Station Road and Environs, Colchester, County of Essex which include:

St Peters Court, Middleborough

Middleborough House, 16 Middleborough

18 and 22 Middleborough

Century House, North Station Road

Fairfax House, Causton Road,

Digby House, Causton Road

25 , 27 , 27A , 31,33, 33A, 35 -37, 45-47, 47A, 49-53, 53A, 57, 59B, 61-65, 69, Rear of 69, 75-79, 103 and 115 North Station Road,

Anglia House, Albert Street,

89 North Station Road,

89 Albert Street,

Midland House, 26 North Station Road

28 ,30-32,34,34A, 36-40, 66-68 and 68A North Station Road