

Report of	Assistant Director Policy and Corporate	Author	Jess Tipper 01206 508920
Title	Colchester Local List Review 2018		
Wards affected	All Wards		

**The Local Plan Committee is asked to agree the proposed amendments to, and extension of, the adopted Colchester Local List**

## 1. Executive Summary

- 1.1 This report explains the role of the Local List in safeguarding selected heritage assets that, although not suitable for designation nationally as a Listed Building or Scheduled Monument, are considered historically or architecturally important at a local level, are valued by the local community and make a significant contribution to the character and setting of Colchester and the surrounding villages. A Local List provides for the due consideration or protection for heritage assets that local people value. Residents can nominate assets for the Local List that they care about.
- 1.2 In line with agreed procedures, the List has been reviewed and a number of proposed amendments to and extension of the adopted Local List are proposed. The revised list would then be integrated into the Colchester Historic Environment Record (HER) and published via the Colchester Heritage Explorer website.
- 1.3 It is further proposed that the list be extended beyond Colchester and Wivenhoe to cover the Borough as a whole following a review of the Local List criteria and selection process.
- 1.4 Finally, the report recommends a review of, and public consultation for, the use of an Article 4 Direction to support Local Listing which would provide greater scrutiny for assets on the list.

## 2. Decision(s) Required

- 2.1 The Local Plan Committee is asked to agree changes to the Colchester Local List as follows:
  - Approve the proposed amendments to the adopted Colchester Local List entries;
  - Approve the integration of the Colchester and Wivenhoe Local Lists into the Colchester Historic Environment Record (HER);
  - Approve the publication of the Local List via the Colchester Heritage Explorer website;

- Approve the extension of the Local List to the rest of the Borough following a review of the Local List criteria and selection process for non-designated Heritage Assets;
- Approve a review of, and public consultation for, the use of an Article 4 Direction to support Local Listing.

### **3. Reasons for Decision(s)**

- 3.1 Updating the Local List will ensure that it remains a robust element of the evidence base supporting planning policies safeguarding the

### **4. Alternative Options**

- 4.1 The Committee could decide not to update the Local List or to make amendments to it. Without a regular review, the information on the Local List will become out of date and inaccurate. The lack of a Borough-wide Local List reduces the Council's ability to make informed decisions when assessing development proposals affecting heritage assets in the Borough. In accordance with the NPPF, Historic England Advice Note 7, and the Colchester Local Plan, the Council is required to maintain a Local List for the Borough.

### **5. Background Information**

- 5.1 A Local List is a list of heritage assets that although not suitable for designation nationally as a Listed Building or Scheduled Monument are considered historically or architecturally important at a local level, are valued by the local community and make a significant contribution to the character and setting of Colchester and the surrounding villages. A Local List provides for the due consideration or protection for heritage assets that local people value. Residents can nominate assets for the Local List that they care about.
- 5.2 The National Planning Policy Framework (NPPF, paragraph 129) states that Local Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of available evidence and any necessary expertise. This includes buildings or assets that are locally listed.
- 5.3 Heritage Assets on a Local List are considered non-designated heritage assets as defined in the NPPF glossary (2012, p.521):
- “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”*
- 5.4 Historic England published an advice note relating to Local Lists in 2012: [Historic England Advice Note 7, Local Heritage Listing](#) (first published 2012, republished 2016).
- 5.5 Policy DM14 of the Adopted Local Plan 2001-2021 refers to Locally Listed Heritage Assets:
- Conservation of the historic environment will also be ensured by:*
- (ii) Protection and enhancement of existing buildings and built areas which do not have Listed Building or Conservation Area status but have a particular local importance or character which it is desirable to keep. Such buildings or groups of buildings will be identified through a Local List which will be adopted by the Council;*
- 5.6 Policy DM16 of the Colchester Borough Local Plan 2017-2033 (June 2017) states:

*Conservation of the historic environment will also be ensured by:*

*(ii) Protection and enhancement of existing buildings and built areas which do not have Listed Building or Conservation Area status but have a particular local importance or character which it is desirable to keep;*

- 5.7 The Local List for Colchester town was adopted by the Council in 2011, following an identification and selection process by a panel of heritage specialists (Colchester Historic Buildings Forum). The Local List for Colchester is published by the Colchester Historic Buildings Forum: <http://www.colchesterhistoricbuildingsforum.org.uk/drupal/>
- 5.8 The Local List for Colchester includes buildings, architectural features and historic assets that are considered to be locally significant for their architectural or historic value but which do not meet the criteria for national designation.
- 5.9 In 2012, the Local List for Wivenhoe, prepared by the Wivenhoe Townscape Forum, was adopted by the Council. The Local List for Wivenhoe is maintained on the website of the Wivenhoe History Group: <http://www.wivenhoehistory.org.uk/content/topics/heritage-assets/the-wivenhoe-local-list>
- 5.10 The Local List currently covers urban Colchester (769 heritage assets) and also Wivenhoe. The Local List comprises primarily buildings as well as monuments (e.g. memorials) and street furniture (e.g. lamp posts). The Wivenhoe List also contains a small number of landscape features (e.g. Wivenhoe Woods and King George V Playing Fields) and below-ground archaeological sites (Field 2 Lodge Farm).
- 5.11 The Colchester and Wivenhoe Local Lists, together, are available as a GIS Layer on the Council's interactive planning map:  
<http://datashare.colchester.gov.uk:8010/connect/analyst/mobile/#/main?mapcfg=Planning>
- There are links from the interactive planning map to the Colchester and Wivenhoe Local Lists.
- 5.12 Following adoption of the Local List for Colchester in 2011, the Local Development Framework Committee agreed that the List would be reviewed annually (12 December 2011, p.83).
- 5.13 Procedures for amending Colchester's Local List were agreed at the Local Plan Committee on 28 January 2013. This includes the addition of new buildings, amendment of existing buildings or removal of buildings those that no longer fulfil the criteria.
- 5.14 There have been regular reviews of the Local List by the Local Plan (previously LDF) Committee, resulting in additions, amendments and deletions:
- 27 March 2017, including addition of one heritage asset in Boxted (the Methodist chapel) and two heritage assets (two pairs of cottages) in Wakes Colne.
  - April 2016, including addition of one heritage asset (War Memorial) in Langham
  - 13 April 2015
  - 28 April 2014
  - 11 March 2013
  - 26 March 2012 adoption of the Wivenhoe Local List
  - 12 December 2011 adoption of the Colchester Local List
- 5.15 In January 2018, a press release was issued inviting members of the public and local groups to nominate buildings or historic/architectural features for consideration for either

inclusion or removal from Colchester's Local List. The Spatial Policy team also consulted colleagues in Development Management to gather information about any planning applications that had resulted in the loss of or alteration of buildings or historic/architectural features on the Local List.

5.16 In response to the press release and internal consultation, a total of three additions have been proposed to the Local List, which the Local Plan Committee is being asked to review and agree the suggested changes. One of the proposed additions (Middlewick Ranges) is not considered suitable for inclusion on the Local List at the current time and it is recommended the decision is deferred until a review of the Selection Criteria has been completed (see paras 5.30-5.32 below).

5.17 The proposed nominations for the Local List are detailed in Table 1 below along with reasons to support their inclusion or deferral.

<b>Heritage asset</b>	<b>Information</b>	<b>Recommendation</b>
121 Maldon Road, Colchester CO3 3AX (TL 9872 2445)	Large red brick house, gable-end facing the road with distinctive, decorative fish-tail clay tiles gable above eaves level, attractive first floor front balcony with decorative timber-fretted pelmet and rear conservatory. Plaque above the right hand front bedroom window with the construction date, 1902. Allegedly to have been built as the vicarage for St Nicholas' Church, High Street, although never used for that purpose.	Add to the Local List. Intact good example of an unusual and idiosyncratic late Victorian dwelling, with surviving character as reasonably unaltered.
Gate House, Cherry Chase, Tiptree CO5 0AE (TL 89811547)	Former farmhouse for Gatehouse Farm. Original three storey core dating from the 18th century, and originally a two bay farm house, extended and altered in the 19th and 20th centuries (historic core is obscured by later extensions). Internal joinery survives to indicate front rooms to be 18th century and the attic survives from the original 18th century property. Some 18 <sup>th</sup> century features survive (doors and surrounds). Features (including a grille over a circular window) bear testament to the property being the residence of a number of members of the Wilkin Family.	Add to Local List as a property dating from the 18th century (and with surviving 18th century fabric obscured by later extensions) with historical associations to the Wilkin Family (Wilkin & Sons Jam Company).

Runkins Corner, Langham Road, Boxted (TM 00352976)	Late 17th or early 18th century timber-framed, although altered externally.	Add to the Local List as a surviving timber-framed building late 17th or 18th dwelling.
Middlewick Ranges, Colchester (TM 00912282)	Large area of open ground (c.84ha. in size south of Abbot's Road and east of Mersea Road) currently owned by the MOD and used for military training. Multiple period archaeological remains recorded (although there has been no systematic survey), including Mesolithic, Neolithic, Bronze Age, Anglo-Saxon find spots recorded in the HER. Undated linear cropmarks, indicative of (non-longer extant) field boundaries, as well as undated earthwork remains (rampart forming an hexagonal-shaped enclosure) known locally as 'The Fort' and allegedly constructed during the Siege of Colchester in 1648. Also WWII monuments, including two pillboxes, spigot mortar emplacement and section of anti-tank ditch and defence line.	Defer decision until the Key Selection have been reviewed/revised to include archaeological sites.

Table 1 Heritage assets recommended for inclusion on the Colchester Local List.

- 5.18 The approved changes will be added to the existing Local List information on the Council's interactive planning map.
- 5.19 The Council confirmed the intention to extend the Local List to rural areas in response to queries from Members of the Local Plan Committee in January 2013.
- 5.20 In 2016 Langham War Memorial was added to the List. In 2017, a heritage asset in Boxted (Methodist chapel) was added to the Local List and also two heritage assets (two pairs of cottages) in Wakes Colne were added to the List. The rest of the Borough is, currently without a Local List.
- 5.21 The Committee is asked to approve the extension of the Local List to the rest of the Borough. It is recommended that the Council should work with parish councils, local community groups and heritage experts, to promote the creation of the Local List for the entire Borough.
- 5.22 The NPPF (paragraphs 141 and 169) emphasises the importance of Historic Environment Records (HERs) in providing the core of information needed for plan-making and individual planning decisions.

- 5.23 Historic England's Advice Note 7 (Local Heritage Listing) states (para 45; see also para 47), *The HER will ideally provide the key point of access to the list and its supporting information.*
- 5.24 The Colchester HER is the definitive database of recorded heritage assets in the Borough and the evidence base for the historic environment maintained by the Council. The Local List has not been integrated in the Historic Environment Record (HER).
- 5.25 The information about individual heritage assets on the Colchester Local List is currently held on the websites of the Colchester Historic Buildings Forum and the Wivenhoe History Group.
- 5.26 The information on the Colchester Historic Buildings Forum website has not been regularly updated; the latest information/news update on the front page of the website is dated 12 June 2015: <http://www.colchesterhistoricbuildingsforum.org.uk/drupal/> The Local List on the Colchester Historic Buildings Forum website was unavailable (offline) for a long period in 2017.
- 5.27 The Committee is asked to approve the integration of the information held in the two Local Lists (on the websites of the Colchester Historic Buildings Forum and the Wivenhoe History Group) into the Borough-wide Colchester HER.
- 5.28 The Historic Environment Record is publically accessible via the Colchester Heritage Explorer website, maintained by the Council: <https://colchesterheritage.co.uk/> The Committee is asked to agree the publication of the Local List via the Colchester Heritage Explorer website.
- 5.29 The current Criteria for Colchester's Local List, from 2010, are recorded on the Colchester Historic Buildings Forum website (<http://www.colchesterhistoricbuildingsforum.org.uk/drupal/>):

***Choosing buildings for the local list***

*Buildings on the draft local list are those which are suggested to be of local importance rather than national. Buildings have been included on the list if they are not already 'listed' and at least one of the following criteria apply:*

- 1. The building is earlier than 1840 and is in good or restorable condition.*
- 2. The building dates to between 1840-1945 and is largely complete plus is of an architectural and/or historic value which rises from 'good' for the oldest buildings to 'very high' for the younger ones in the date range.*
- 3. The building was built after 1945 and is complete with no inappropriate alterations or extensions plus is of highest architectural or historic value.*
- 4. The building has group or skyline value.*

*Various additional factors have been taken into account during the selection process. They are not sufficient in their own right or in combination to justify inclusion in the list but they have been used to tip the balance in marginal cases. They are as follows: historic value, iconic value, contribution to the historic character of the area in which it stands, prominence in the townscape or landscape, quirkiness, rarity in Colchester terms, and sustainability (i.e. the building is realistically capable of reuse).*

- 5.30 The Selection Criteria for Colchester's Local List currently makes no provision for heritage assets other than buildings. The adopted Local List for Wivenhoe, however,

includes several archaeological sites - which clearly do not meet the current (buildings only) selection criteria.

- 5.31 In accordance with the broad definition of heritage assets in the NPPF (buildings, monuments, sites, places, areas or landscapes) and Historic England's Advice Note 7 (paragraphs 25-27 and Table 1), the Committee is asked to approve a review of the Selection Criteria for Colchester's Local List. It is recommended that the Key Selection Criteria are expanded to include other types of heritage asset.
- 5.32 Any proposed revisions to the Selection Criteria will need to be tested through public consultation, following scrutiny and approval by the Local Plan Committee (in accordance with HE Guidance note para 24).
- 5.33 Assets on the Local List will be considered in the planning process and they are afforded consideration where there is a planning application that affects them or where a Locally Listed heritage asset is located in a Conservation Area. All permitted development rights, including demolition, are still available to building owners. Consequently, unless it is located within a Conservation Area (in which case a planning application would be required for demolition), an owner could demolish a Locally Listed Building with only a prior notification and there would be no way the Council could stop the demolition.
- 5.34 The Committee is asked to approve a public consultation concerning the application of an Article 4 Direction to any Locally Listed asset located outside of a Conservation Area to require planning permission for demolition. This would provide consideration of the value of the local heritage assets by bringing demolition applications through the planning system.
- 5.35 The Committee should be aware that the use of Article 4 direction without 12 months' notice can open the right to compensation in certain circumstances. It is recommended, therefore, that (if adopted) the Council gives 12 months' notice before the Article 4 Direction comes into force. This will avoid the right to compensation.

## **6. Proposals**

- 6.1 The Local Plan Committee is asked to agree changes to the Local List (see 1.1 above).

## **7. Strategic Plan References**

- 7.1 The Local List provides evidence that will help the Council deliver its Strategic Plan 2018-21 Opportunity priority to promote and enhance Colchester Borough's heritage and visitor attractions to increase visitor numbers while ensuring the delivery of the Local Plan. It will also help deliver the Council's Wellbeing priority in encouraging belonging, involvement and responsibility in the borough's communities.

## **8. Consultation and Publicity**

- 8.1 All those who proposed additions or deletions to and from the Colchester Local List, as well as owners/occupiers will be notified of the decision of the Committee.
- 8.2 In terms of revisions to the Selection Criteria and the use of an Article 4 direction, it is recommended that the revisions are subjected to public consultation.

## **9. Publicity Considerations**

- 9.1 None.

## **10. Financial Implications**

- 10.1 The recommended extension of the Local List to the entire Borough and also the introduction of an Article 4 direction will incur officer time. The integration of the Local Lists for Colchester and Wivenhoe into the HER and the publication of the dataset on the Heritage Explorer website will incur a small fee from the HER software provider.

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

- 11.1 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/4962/Strategic-Policy-and-Regeneration> or go to the Colchester Borough Council website [www.colchester.gov.uk](http://www.colchester.gov.uk) and follow the pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration and select Local Development Framework from the Strategic Planning and Research section.
- 11.2 There are no particular Human Rights implications.

## **12. Community Safety Implications**

- 12.1 None.

## **13. Health and Safety Implications**

- 13.1 None.

## **14. Risk Management Implications**

- 14.1 The proposed review of the Colchester Local List will help ensure that planning decisions are based on the most current historic environment data available for the Borough. The preparation of the Local List for the entire Borough will directly assist in the effective delivery of the emerging Local Plan.

## **15. Disclaimer**

- 15.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omissions.