

8 April 2019

Report of	Assistant Director Policy and Corporate	Author	Eirini Dimerouki
Title	Colchester Conservation Area No 4 : North Station Road and Environs Designation		☎ 5346
Wards affected	Castle		

1. Executive Summary

- 1.1 This report seeks Committee approval to proceed with the designation of the proposed Colchester Conservation Area No 4: North Station and Environs. The Committee approved public consultation on the Consultation Draft Conservation Area Character Appraisal and Management Proposals on 19 March 2018. This Report provides an account of the consultation process and a summary of the public responses received. Additionally, the report addresses the main concerns raised in the responses, to establish that the results of the public consultation exercise do not generate the need for any amendments to the Character Appraisal and Management Proposals and the designation of the proposed Conservation Area can proceed on the basis of this document.

2. Decision(s) Required

- 2.1 The Local Plan Committee is asked to proceed to the statutory designation of the proposed new Conservation Area to be known as Colchester Conservation Area No 4: North Station and Environs.

3. Reason for Recommended Decision

- 3.1 Proceeding to the designation of the proposed Conservation Area will enable the effective protection of its character and appearance, since its statutory designation will become a material consideration for the determination of planning applications and allied development management decisions.

4. Alternative Options

- 4.1 The Committee could decide not to proceed with the designation of the Conservation Area. However, such a decision would not allow the preservation and enhancement of the area to become a material planning consideration in future decisions. The Council's duty is discretionary under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that
“ Every local planning authority—

- (a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and
- (b) shall designate those areas as conservation areas.”

- 4.2 Alternatively, the Committee could agree to adopt different boundaries for the designation. Although some of the public comments involved the issue of the boundary, they did not constitute a suggestion leading to significant amendments, as discussed in Sections 5.7 and 5.8.

5. Background Information

- 5.1 The six-week formal public consultation on the Consultation Draft Conservation Area Character Appraisal and Management Proposals was approved by the Local Plan Committee on 19 March 2018. The consultation period commenced on 30 April 2018 and was completed on 10 June 2018.
- 5.2 The Committee also suggested that the proposed conservation area boundary was extended to include parts of Belle Vue Road and North Station Road which are 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 and were available for the public consultation exercise as an addendum to the Consultation Draft Conservation Area Character Appraisal and Management Proposals.
- 5.3 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 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, which is attached in Appendix I, included four 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 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 were notified with letters sent by post between 30 April and 01 May 2018. One thousand one hundred eighty nine (1189) letters were sent to individual addresses, while the document was also available on the Council’s Planning Consultation webpage. The letter, which is included in Appendix II, informed the recipients of the implications on new planning restrictions and responsibilities for home owners due to the proposed designation and invited them to participate in the consultation process. Additionally, it explored the prospect of an Article 4 Direction to withdraw permitted

development rights for certain categories of works. However, this measure is not included in the final Management Proposals for the proposed Conservation Area as it mostly consists of buildings in commercial use which are not covered by permitted development rights.

Additionally, the Consultation Draft of the Conservation Area Appraisal and Management Proposals document was available to view in the Colchester Town Library and on request from the Council offices.

- 5.4 Consultation responses could be sent to the Council by email or by post. In addition the Planning Policy Team was available by phone to respond to any enquiries regarding the consultation process.
- 5.5 The Council received three (3) responses in total. All were sent by email and included comments in the body of the message.
- 5.6 The responses can be summarised in two categories:
 - a. comments on the proposed boundaries : two (2) participants
 - b. objection , although not clear whether in principle or on a specific issue (as discussed in section 5.8): one (1) participant.
- 5.7 The first participant who commented on the proposed boundary pointed out that an outbuilding which was not included in the proposed Conservation Area actually belonged to a property within the suggested boundary and therefore the delineation should be amended to include it as well. This technical correction has been made as a minor amendment to the proposed boundary, and appears in the map on page 3 of the Consultation Draft Conservation Area Character Appraisal and Management Proposals which addresses this issue.
- 5.8 The second participant who referred to the matter of the boundary, expressed opposition about the inclusion of the Multi- storey Car Park on Middleborough within the proposed Conservation Area. However, the proposed boundary does not actually include the building, as shown in the relevant map on page 3 of Consultation Draft of the Conservation Area Appraisal and Management Proposals.
- 5.9 The final response was an objection/ comment which involved the participant's lack of support to the "*proposal to designate map 5 in the documents you provided*" as a Conservation Area. It is not very clear whether the comment refers to the map of the proposed Conservation Area on page 5 of the Consultation letter (Appendix II) or if the objection involves the sub-area 5, as shown on page 63 of the Consultation Draft of the Conservation Area Appraisal and Management Proposals. In the former case, the Summary of Special Interest which is included on pp. 41 -43 of the same document offers sufficient justification of the proposal to designate the proposed Conservation Area in order to protect and enhance this special significance. In the latter case, the document provides the rationale behind the inclusion of sub-area 5 within the proposed boundary of the Conservation Area: the map on page 61 indicates that the properties

on Orchard and St Basil's Road have façades of townscape merit. Additionally, the map notes the presence of a group of trees near the former Colne Bank Open Air Swimming Pool which contribute positively to the townscape, while the significance of this green site is also pointed out on page 14 of the document. Therefore the inclusion of Area 5 in the boundary of the proposed Conservation Area appears justified as it comprises of buildings and open space of townscape merit.

- 5.10 The above summary of the responses indicates that the public consultation exercise 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" (other than a technical correction as described) and the designation of the proposed Conservation Area can proceed based on these documents.

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 designation of the proposed Conservation Area 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.

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 six-week public consultation was carried out between 30 April 2018 and 10 June 2018. 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 designation of the proposed Conservation Area may generate publicity for the Council. As the limited number of responses indicates, no significant public concerns have been raised, while 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, Community Safety Implications, Health and Safety Implications and Risk Management Implications

- 10.1 The designation of the proposed Conservation Area does not entail any financial implications, Community Safety Implications, Health and Safety Implications and Risk Management Implications for the Council.

Appendices

Appendix I: Public Consultation Response Form

Appendix II: Public Consultation Notification Letter to property owners

Appendix I



PUBLIC CONSULTATION RESPONSE FORM

Proposed Conservation Area for North Station Road and Environs

Monday 16^h April 2018 – Sunday 27th May 2018

Your name: [please add detail]

Your address with post code: [please add detail]

Q1: Do you support the principle of designating the area as a conservation area?

☐

YE

☐

N

Please explain why if you wish..

Q2: Do you support the principle of restricting permitted development rights?

☐

YE

☐

N

Please explain why if you wish..

Q3: Do you wish to suggest making alterations to the proposed boundary?

☐

YE

☐

N

If YES please describe the alteration/s you wish to suggest and the reason/s

Q4: If you wish to make specific comment/s on any part of the Appraisal and Management Proposals document please do so below. These will be considered fully and may influence alteration to and modification of the final document in the event that formal Conservation Area status [Designation] is agreed by the Council's Local Plan Committee

[please add detail]

Appendix 2

Colchester Borough Council

PO Box 889, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG

Policy & Corporate CONSERVATION

Contact: Simon Cairns

Phone: 01206 508650

Fax: (01206) 282598

E-mail: planning.policy@colchester.gov.uk

Your ref:

Our ref: **180810**

Date: 30 April 2018

Dear Sir or Madam

Proposed Conservation Area for North Station Road and Environs (to be known as Colchester Conservation Area no.4) & Article 4 Direction

Town and Country Planning Act 1990, as amended; Town & Country Planning (General Permitted Development) (England) Order 2015 [Article 4]; Planning (Listed Buildings and Conservation Areas) Act 1990 [S69, 70 & 71], as amended & National Planning Policy Framework [paragraph 127].

PUBLIC CONSULTATION: Monday 30 April 2018 (09.00hrs) - Sun 10 June 2018 (23.59hrs)

At its meeting of 19 March 2018, the Local Plan Committee of Colchester Borough Council resolved to approve, for the purposes of public consultation, the area identified on **page 5** of this letter for consideration as a new conservation area to be known as Colchester Conservation Area No.4. The plan and the proposed conservation area is supported by two Conservation Area Appraisal and Management proposal documents:

- The North Station Road & Environs Appraisal and Management Proposals document; and,
- The Belle Vue Road & North Station Road [northern end] Appraisal and Management Proposals document

These can be viewed on the Council's Planning Consultation website.

<https://beta.colchester.gov.uk/info/cbc-article/?catid=local-plan-consultations&id=KA-01755>

As part of the public consultation exercise, I am writing to you to seek your views on the proposal to designate the area indicated on the accompanying plan as a Conservation Area. Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local planning authorities have a statutory duty to consider whether parts of their area should be designated as Conservation Areas.

In this case, the former functional and historic relationship between the area and the historic walled Town Centre, and the expansion of the Town north-westwards along what is now North Station Road towards the early Victorian railway station [Colchester North Station] underpins this proposed designation. Nearly 2000 years of history can be found within the proposed conservation area.

Within the area are a number of listed buildings and many buildings considered to have townscape merit. The proposed conservation area in places adjoins the existing conservation area known as Colchester Conservation Area no 1: Colchester Town Centre. Other parts adjoin the Designated Grade II Historic Park & Garden of Castle Park.

Designation of a conservation area is a recognition of special character but with that will come certain new planning restrictions and responsibilities for home owners. These are described in summary form below:

Your house and permitted development:

Permitted development (PD) rights* [*your ability to undertake certain works to your house without the need for planning permission] are slightly different in conservation areas compared to other areas. This means that you need to make a planning applications for some forms of development which would not need such applications outside conservation areas. For example:

- Detailed residential changes like two-storey extensions, dormer windows, and stone cladding
- Extensions to retail premises (smaller floorspace increases; appearance should match the existing; limitations to click and collect facilities)
- Industrial and warehouse buildings (smaller floorspace increases)
- Limitations on change of use such as retail or agricultural to dwellinghouse

Demolition:

If you want to demolish your building you will need planning permission. If the building is also listed you will also need listed building consent.

Trees:

If you want to cut down, top or lop any but the smallest of trees in a conservation area you must notify your local planning authority six weeks before work begins. The authority will then consider the contribution the tree makes to the character of the area and if necessary create a Tree Preservation Order (TPO) to protect it.

Article 4 Direction:

It is the Council's intention to apply an 'Article 4 Direction' to preclude any works of extension or alteration to the exterior of a dwelling within the area defined as the new conservation area without first having secured planning permission even where such works would previously have constituted 'permitted development'. Whilst this may at first seem somewhat onerous it does the mean the Council is better able to control changes in the conservation area that would otherwise have not needed planning permission and that might unintentionally harm its special character.

The website described above provides an explanation of conservation area principles and the Full Draft Conservation Area Character Appraisal and Management proposals Document upon which the proposed conservation area is based.

I welcome any views you might have on this proposal and in particular any comments you may have on the proposed boundary of the Conservation Area. Your comments will be reported back to a future meeting of Local Plan Committee. It will then consider designating the proposed Conservation Area either in its proposed configuration or as amended following the views put forward during this public consultation period.

All properties within and adjoining the proposed Conservation Area are being consulted along with local Council members and relevant external agencies. Your views and comments can be made on-line at:

<https://beta.colchester.gov.uk/info/cbc-article/?catid=local-plan-consultations&id=KA-01755> (email planning.policy@colchester.gov.uk)

or in writing to

Colchester Borough Council
Policy & Corporate Services
Conservation Area Consultation [NSR] Rowan
House
33 Sheepen Road Colchester
CO3 3WG

If you are not the property owner, would you please pass this letter and accompanying information on to the appropriate person. Thank you for your assistance and I look forward to receiving your views on this proposal. If you wish to discuss any of the above please contact me at vincent.pearce@colchester.gov.uk or 01206 282452. Please note that I work on Wednesdays, Thursdays and Fridays.

Yours faithfully

Simon Cairns
Simon Cairns, MRTPI, IHBC
Planning Manager

Proposed permitted development restrictions and map showing proposed conservation area boundary follow.....

Proposed 'permitted development' restrictions under Article 4 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Schedule 2:

Part 1: Development within the curtilage of a dwellinghouse

Class A: enlargement, improvement or other alteration of a dwellinghouse

Class B: enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Class C: any other alteration to the roof of a dwellinghouse.

Class D: erection or construction of a porch outside any external door of a dwellinghouse

Class E: The provision within the curtilage of the dwellinghouse of -

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Class F: hard surfaces incidental to the enjoyment of a dwellinghouse Class

G: chimneys, flues etc on a dwellinghouse

Class H: microwave antenna on a dwellinghouse Part

2: Minor operations

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

Class B: 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).

Class C: The painting of the exterior of any building or work.

Class D: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

Class E: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

Class F: The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes.

Part 3: Changes of use All classes

Part 7: non-domestic buildings and uses All classes

map showing proposed conservation area boundary follows.....

PROPOSED CONSERVATION AREA

