

# **Local Plan Committee Meeting**

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Monday, 19 March 2018 at 18:00**

**The Local Plan Committee** deals with the Council's responsibilities relating to the Local Plan

## **Information for Members of the Public**

### **Access to information and meetings**

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

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**COLCHESTER BOROUGH COUNCIL**  
**Local Plan Committee**  
**Monday, 19 March 2018 at 18:00**

**The Local Plan Committee Members are:**

Councillor Martin Goss	Chairman
Councillor Nick Barlow	Deputy Chairman
Councillor Lewis Barber	
Councillor Nigel Chapman	
Councillor Andrew Ellis	
Councillor Adam Fox	
Councillor Dominic Graham	
Councillor John Jowers	
Councillor Gerard Oxford	
Councillor Martyn Warnes	

**The Local Plan Committee Substitute Members are:**

All members of the Council who are not members of the Cabinet, the Planning Committee or this Panel.

**AGENDA**  
**THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING**  
**(Part A - open to the public)**

**Members of the public may wish to note that Agenda items 1 to 5 are normally brief.**

**1 Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

**2 Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

**3 Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

**4 Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

**5 Have Your Say!**

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

**6 Minutes of 18 December 2017** 7 - 24

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 18 December 2017.

**7 National Planning Policy Framework Consultation** 25 - 56

A report by the Assistant Director Policy and Corporate summarising proposed changes to the National Planning Policy Framework and providing committee members with the opportunity to feed in to the Council's response to the consultation.

**8 Statement of Community Involvement** 57 - 94

A report by the Assistant Director Policy and Corporate seeking approval to consult with the public on the revised Statement of Community Involvement, new arrangements for which set out policies for involving communities and other interested parties in the preliminary stages of plan-making and would come into force on 31 July 2018.

**9 North Station Road Conservation Area Character Appraisal and Management Proposals** 95 - 184

A report by the Assistant Director Policy and Corporate seeking approval to consult with the public on the Consultation Draft North Station Road Conservation Area Character Appraisal and Management Proposals Document.

**10 Birch Conservation Area Character Appraisal and Management Proposals** 185 - 264

A report by the Assistant Director Policy and Corporate seeking approval to consult with the public on the Consultation Draft Birch Conservation Area Character Appraisal and Management Proposals Document.

**11 Mill Field Estate Conservation Area Character Appraisal and Management Proposals** 265 - 310

A report by the Assistant Director Policy and Corporate seeking approval to consult with the public on the Consultation Draft Mill

**12 Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B**  
**(not open to the public including the press)**



# Local Plan Committee

## Monday, 18 December 2017

**Attendees:** Councillor Nick Barlow, Councillor Nigel Chapman, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor John Jowers, Councillor Martyn Warnes  
**Substitutes:** Councillor Dennis Willetts (for Councillor Lewis Barber)  
**Also Present:**

### 126 Minutes of 6 November 2017

The Chairman proposed an amendment to the minutes of the meeting held on 6 November 2017 regarding a textual change to the Tendring and Colchester Borders Garden Community document in relation to Salary Brook. He explained that it was not possible to change the Issues and Options document as it had already been published for consultation purposes and so the textual change would be made to the next version of the Development Plan Document, to be formulated following the public consultation exercise.

In terms of timescales, the Place Strategy Manager explained that the extended period of consultation would finish towards the end of January 2018, at which time the examination of the Local Plan itself would be taking place. Consultation responses would feed into the next version of the Plan, as such it would seem appropriate for any change to the text to be reflected in the content of the Preferred Options which she was expecting to be published in the summer of 2018. The Chairman further indicated that arrangements for the proposed change in text in relation to Salary Brook to be circulated to the Committee members before the next version of the Plan was published.

Councillor Willetts suggested it would be good practice for the details of matters dealt with by means of the circulation of information to Committee members for that information to be subsequently appended to the minutes of the meeting.

In response to a request for clarification from Councillor Jowers, the Place Strategy Manager confirmed her view that the change in text would not mean that part of the Plan had been determined in its final form.

RESOLVED (SIX voted FOR and TWO ABSTAINED) that the minutes of the meeting held on 6 November 2017 be approved as a correct record, subject to the resolution in Minute 121 being amended so that the phrase 'Issues and Options document' is

changed to 'Development Plan Document'.

## 127 Have Your Say!

The Chairman took the opportunity to clarify and challenge certain issues in relation to numbers, process and timescales related to the Local Plan in order to address certain misinformation he had noticed in social media and the local media. He referred to:

- The Local Plan period was from 2017 to 2033;
- Previous housing allocations would be rolled forward;
- The housing total in the Objectively Assessed Need (OAN) was on average 920 per year over the 16 year period, with 966 for the first five years, including a 5% buffer;
- Part 1 of the new Local Plan would be assessed by the Planning Inspector from 16 January 2018;
- The Plan covered 14,720 homes, 7,210 of which were existing commitments either currently in the existing Local Plan or having the benefit of planning permission;
- 7,853 were new allocations in the Draft Local Plan;
- The East Colchester Garden Community was expected to deliver 1,250 new residential units, built and occupied by 2033 in Colchester Borough and 1,250 units in Tendring District;
- The West Colchester Garden Community was also expected to deliver 1,250 new residential units, built and occupied by 2033 in Colchester Borough;
- By way of comparison, in Mile End ward there was currently 2,500 homes being built - a further 750 at Severalls, Mersea Homes had permission for 1,600 along with Countryside which had over 200 units;
- 71% of the Mersea Homes units had been acquired by people from Colchester;
- 77% of the Severalls units had been acquired by people from Colchester;
- A report on the OAN stating a figure of 920 per year had been unanimously accepted by the Committee in July 2016 whilst a housing report had been considered in November 2016 which also included the housing totals referred to in the OAN;
- Comments on stopping or slowing down housing development, he considered to be unreasonable as the figures had been subject to full legislative process by the Council and the associated planning permissions had been approved for development. It was then up to each developer as to when and if the developments were commenced;
- There were no material considerations open to the Planning Committee to refuse applications on the grounds of too much housing development and if an application was refused without adequate justification the developer would be able to appeal and the matter would be referred to a Planning Inspector for determination;
- Government recommendation was for a Local Plan to be reviewed every five years;
- Assuming the Draft Local Plan was approved by the Planning Inspector following examination starting in January, with issues addressed in the light of the examination in the Summer of 2018, it would not be considered appropriate to immediately review the contents of the Plan at that point;
- If the Plan was reviewed immediately then the new Government method of

assessing housing need would be likely to mean a housing target of nearly 1,100 would be required to be delivered per year;

- The NHS were fully engaged with the Local Plan process and had recently released a holding statement looking at how the hospital and its facilities would deliver in the future, including an investment of £15.6m for changes and improvements to deal with population increases and service relocations.

Elizabeth Dawson addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She was making representations in relation to the Tendring and Colchester Borders Garden Community proposals and wished to share her views in relation to a consultation event which had been held in Wivenhoe. The event had not given her any confidence in the engagement process because she considered that details had not been widely circulated, there was little information to look at and only some of the people in attendance were actually council officers. She was of the view that a further consultation event should be held which could be improved through addressing these issues and by the introduction of a question and answer session and more provision for people who wished to submit comments but did not have access to the internet. Wivenhoe had a unique identity and she was anxious that this must be retained. She had been alarmed at the publication of the Issues and Options document and was of the view that there should be no new homes south of the A133 and the green buffer needed to be legally protected. She considered that proposals in the document for a university building and a large car park south of the A133 constituted development and that this would compromise the rural surroundings of Wivenhoe.

The Chairman acknowledged that a considerable number of residents had attended the previous event and he confirmed that arrangements had been made for a further consultation event to take place in Wivenhoe in January 2018 and that the event would be well advertised and the comments made about the previous event would be taken on board. He encouraged the speaker to formally submit her views on the proposals as part of the consultation exercise.

Shaun Boughton addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He said he had been accused of misleading the public but the information in the consultation document was clear in that there would be residential development south of the A133 and Wivenhoe would be subsumed into Colchester. If the Council no longer wanted this then a retraction needed to be published. He asked the Committee to halt the consultation until it was ready to defend the plans. He had been told not to look at the Concept Framework as this wasn't in the current consultation. However it was the current document produced by David Locke Associates and, with the backing of the Council, he was of the view that this would lead to confirmation of the development south of the A133. He considered this would throttle the A133 and lead to the unnecessary split of the community which was in defiance of Garden Community principles with a net result of blocking off the eastern peninsula access to Colchester and beyond. The centre of the town was located at the edge of the

development and would demand excessive internal travel within the community which was also not in accordance with Garden Community principles. He was also sceptical about the lack of financial information within the proposals and considered the Council had a responsibility to provide full and detailed costings to go alongside the list of desirable facilities being sought within the Garden Community developments. He thanked officers for participating in the question and answer session on the Wivenhoe Forum but was of the view that there remained significant questions which had been ignored, many answers were inconclusive or contradictory. He considered the plans were some distance from being ready as there was insufficient information about costs and who would meet them. He questioned how many more versions of the plan would be produced and consulted upon. He was of the view that the plans needed two to three re-drafts with a realistic budget. The view of Wivenhoe residents was that they did not want any building south of the A133.

The Place Strategy Manager considered that the Council had been clear. A lot of documentation had been published on the Council's website and the joint Garden Communities website, including evidence based documents which would continue to be revised and updated when necessary. Officers had not backtracked, rather the consultation was in relation to an Issues and Options document and if a Preferred Options document had been produced at this stage then the Council would have been open to criticism. She confirmed that paper consultation response forms were available for those without access to the internet. The people who weren't officers at the last consultation event were community enablers who had been engaged by the Councils to help people respond to the consultation. The additional consultation event would take place on 11 January 2018, with more council officers available.

Andrea Luxford-Vaughan addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She was representing the views of Wivenhoe Town Council. She did not consider there to be any options for consideration, rather it was one plan which had already been rejected as not acceptable by residents. Residents did not want university expansion, other unspecified expansion, a car park or new roads. Residents wanted no development of any kind south of the A133 and proper legal protection for the green buffer. She also referred to the centre of the development not being located at the centre and considered the proposed densities did not accord with Garden Community principles. No-one to the east of Colchester wanted an already heavily congested trunk road to become more heavily congested or to have speed restrictions imposed to justify unwanted development to the south. She sought assurances from Committee members that the plans would not include development south of the A133 and requested a meeting with key decision-makers, both councillors and officers, with a view to working with the council to prevent Wivenhoe being subsumed by Colchester or overrun by Tendring. She asked that the consultation be stopped until there was agreement on what would be proposed. In response to a question from Councillor Warnes, she further confirmed that she was personally opposed to any development south of the A133 as well as in her capacity as an elected



representative of Wivenhoe and its residents.

Christopher Lee addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He sought clarification about Colchester Fringe, which Tendring District Council described as the built up area of Colchester that was within Tendring. He considered this was recognised as being Colchester so queried why Colchester's infrastructure was being required to pick up the housing need for Tendring. He asked whether this situation therefore increased Colchester's housing target from 920 units per year to nearly 1,500 units, on the basis that Tendring had a target of 550 units per year.

The Place Strategy Manager confirmed that she was unaware of the housing trajectory that had been adopted by Tendring District Council but she was aware that a number of sites had been allocated in Clacton and Weeley and elsewhere.

The Chairman invited Mr Lee to write to him formally and he would arrange for a response to his question.

Councillor Scott attended and, with the consent of the Chairman, addressed the Committee. She indicated that she was representing Wivenhoe residents and she wished to highlight their concerns regarding the East of Colchester Garden Community proposals. She wished to be absolutely sure as to whether the proposal would fit in with Wivenhoe Neighbourhood Plan and, if it did, would Wivenhoe therefore retain its rural, individual character and remain a town in its own right, entirely separate from Colchester? This was very important to residents of Wivenhoe as well as for residents of Colchester. She also asked whether the proposals were sustainable and whether they would adversely affect the sensitive natural areas nearby because, if the scale of development exceeded 9,000 homes, the area to the Essex coast would be affected. The Neighbourhood Plan, reflecting the views of 10,000 residents by means of an interactive consultation over three years, included environmental concerns. There were major and increasing congestion problems associated with Clingoe Hill such that the roads and transport plans needed to be urgently reviewed so that problems already existing could be resolved as well as any which may ensue. As part of this review she urged consideration of the relocation of the proposed park and ride car park to a site north of the A133. She also asked whether the proposals would be sufficiently viable to ensure infrastructure would be provided first, especially given the fact that Mersea Homes seemed to have first option to buy the land and, as such, the initial uplift in land value would ensure them a profit but not the Council. She asked whether the proposals would be innovative and tailored to local needs if a large scale developer had the means to take over such a large part of the development. She remained committed to the concept of the Garden Communities because she wanted infrastructure first and this hadn't happened before. She thanked the officers, particularly for arranging a further consultation event and asked that it be kept in mind that residents remained concerned about the details whilst remaining committed to the concept but wishing to get as much

out of the proposals as possible.

The Place Strategy Manager confirmed that work had been continuing for some time with Wivenhoe Town Council and she certainly didn't want to see the Neighbourhood Plan fail. The Plan was now being submitted to the Council prior to an examination to check that it complied with the Local Plan, the legislative requirement being for a Neighbourhood Plan to have general conformity with the strategic policies in a Local Plan. Previous versions of the Neighbourhood Plan had reflected the Local Plan although there had been some actions applied to strategic allocations in the updated version. Work would continue with the Neighbourhood Plan Group to ensure that the Plan went through successfully to examination. Regarding development south of the A133, she reminded the committee members that, at one stage, university expansion had been proposed south of the A133, in response to which, the only comment received had been from Councillor Scott. Also, work to de-allocate a sensitive site south of Boundary Road included in the existing Local Plan, was continuing and had been retained as a policy in the Neighbourhood Plan.

Councillor Cory attended and, with the consent of the Chairman, addressed the Committee. He welcomed the re-running of the consultation and the revised evening timing from 5pm to 9pm as well a meeting with officers and ward councillors to review the way the consultation was run. He supported the views already expressed on behalf of residents of Wivenhoe. Many residents were seeking no development at all south of the A133 and he considered it was his responsibility to work with officers to find a way through with any possible option to safeguard the green buffer between Wivenhoe and the Garden Community. He considered the best way forward would be to seek legal protection and to put the land into trust, such as by means of Fields in Trust. He would like to see this included in the next iterations of the plan. He referred to major existing problems associated with Clingoe Hill and his concern that a resolution to the congestion may not be forthcoming although he acknowledged that the A120 link road and Park and Ride would help. He was of the view that there needed to be serious discussions with representatives of Wivenhoe Town Council, Colchester Borough Council, Tendring District Council and Essex County Council, with which he wished to be involved and assist in progressing.

The Chairman explained that he had been involved in a successful Fields in Trust initiative in Mile End which had provided an extra level of security and protection against potential development. He also referred to a forthcoming meeting with Councillor Bentley, in his capacity as Essex County Council Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy in relation to progress on issues at North Station at which he was willing to include discussions about congestion in the east of the town as well.

Councillor T. Young, in his capacity as Portfolio Holder for Business and Culture (and Deputy Leader of the Council), attended and, with the consent of the Chairman,

addressed the Committee. He supported the views expressed by Councillor Cory and confirmed that he had tried to be clear that the Council's Administration did not support any housing development south of the A133, whilst other types of development were in the proposals and had to be looked at. Park and Ride was part of the rapid transport solution and he had advocated the benefits of a Park and Ride site to the east of Colchester for some time. He considered this would be better located south of the A133, acknowledging that a location north of the A133 would be more detrimental to Greenstead ward residents. He also considered that Greenstead ward was more adversely affected by the Garden Community proposals than Wivenhoe and he advocated a mature approach to the debate to avoid misconceptions and misunderstandings. He welcomed the holding of a second consultation event as well as a meeting between Councillors Cory, Liddy and Scott with officers to confirm revised arrangements for the event. He confirmed the vital importance of a green buffer to protect Salary Brook, Wivenhoe and Elmstead Market. He considered the university to be a really important asset to the Borough and, as such welcomed the proposed expansion of the Knowledge Gateway. He was of the view that many residents of Greenstead and Wivenhoe worked at the university and would want to see it thriving and, as such, the proposals should be supported. He also referred to Northern Gateway, considering it to be a potentially huge leisure-led attraction off the A12 without a detrimental impact on the town centre and he hoped the Committee would continue to support the Masterplan.

The Chairman considered the issue regarding no housing development south of the A133 was clear and opinions on other types of development needed to be fed into the consultation on the Issues and Options document. He also referred to the comments made by Councillor T. Young regarding the university and the importance of putting in place opportunities to attract more graduates to stay in the town, rather than seeing talent and investment moving elsewhere. As such, the Knowledge Gateway had always been part of the Council's Strategic Plan for employment opportunities and as a mechanism to increase average salaries in the Borough.

## **128 Authority Monitoring Report**

The Committee considered a report by the Assistant Director Policy and Corporate seeking agreement to the Authority Monitoring Report (AMR) which provided an annual summary of key statistics that allowed the Council to monitor the effectiveness of its Local Plan.

Laura Chase, Planning Policy Manager, presented the report and, together with Karen Syrett, Place Strategy Manager and Ian Vipond, Strategic Director Policy and Place, responded to members questions. It was explained that the format of this AMR had been designed to demonstrate how the Council was meeting targets and indicators arising from the adopted policies contained in its Local Plan and to provide information that could be used in reviewing the plan. The AMR also included information on how the

Council was working with partners to meet the duty to co-operate on cross-boundary strategic matters.

The housing section of the AMR documented historic delivery rates and provided a detailed list of housing units delivered last year. The requirement for the Council to demonstrate how it intended to meet the five year housing land supply requirement was being addressed by the publication of a separate Five Year Housing Land Supply report. Officers were content that there was a five year supply of housing land.

Key statistics for the monitoring period 1 April 2016 – 31 March 2017 included:

- 1705 planning applications received
- 912 homes completed
- 100 affordable units completed
- 73% of new and converted dwellings built on previously developed land
- Net loss of 8,690 square metres of commercial floor space, reflecting 10,978 sq. metres of office floor space changing to residential, which could potentially create 213 units
- 55% reduction in carbon emissions from the baseline year of 2008.

Councillor Warnes referred to the poor delivery of affordable housing. There had been a good scheme for social housing but more recently Government funding had been diverted elsewhere. He was aware of a policy document which was advocating an increase in the threshold requiring the inclusion of affordable housing to those sites capable of delivering 100 houses or more and he was concerned that this would create more pressure on social housing delivery. He advocated the lifting of borrowing caps to enable councils to build more social housing. He also referred to the link between Colchester North Railway Station and Colchester Town Station at St Botolph's and considered that more needed to be done to promote the Town Station. He welcomed initiatives to provide more services to and from that station, which would be a low carbon way of getting more visitors and shoppers directly to the middle of the town.

The Planning Policy Manager acknowledged the issues around affordable housing provision and the constraints imposed by national legislation whilst explaining the train service at Colchester Town Station was a responsibility of the rail operators.

Councillor Barlow asked for consideration for future versions of the AMR that the planning application information be broken down to show the proportions in major, minor and other categories and also to include the type of housing completions in each ward. He questioned the statistical significance of some of the transportation information in the report, particularly in relation to the use of a trend line for cycle use, he sought additional information from the bus and train companies in relation to use of public transport and, whilst welcoming the Council's performance in relation to reducing carbon emissions, he questioned the wider usefulness of this information in terms of the performance of other organisations in the borough.

The Planning Policy Manager confirmed that information on major, minor and other categories of planning applications could be supplied to Committee members. She also acknowledged that the information in the report could be improved but explained that, due to time and financial constraints, they were reliant on information from existing statistical sources and it was important to find the most efficient way of gathering that information.

Councillor Jowers welcomed the report, acknowledging that the information was a useful snapshot in time. He was concerned at the amount of funding being generated through the Section 106 Agreement process and questioned whether further consideration should be given to moving to a Community Infrastructure Levy (CIL) regime. He considered the level of housing development to be reasonable and commented on the affordability of housing which was contributing to the numbers choosing to live in Colchester, the increased ratio of planning applications going to appeal and the loss of commercial buildings being converted to residential as a consequence of changes to permitted development criteria. He made reference to the lack of proposed transport infrastructure improvements to the south of the town, the impact this would have assuming future development proceeded in the southern villages and at Middlewick Ranges and the need for strategic planning in order to safeguard the areas where future road networks may be located.

The Place Strategy Manager confirmed that a review of Section 106 Agreement funding was planned with a possibility that CIL may be considered to be the preferred way forward for the future. She confirmed that those planning application appeals which had been permitted over the last five years tended to be for single dwellings in urban areas. She confirmed that, in relation to a Colchester Southern Bypass, Essex County Council maintained a list of projects and regular opportunities were taken to secure progression of the scheme.

Councillor Graham regretted the combining of information in relation to walking and cycling as he would have preferred to see these separated with a view to giving cycling, as the main alternative to car use, more prominence. He was not a supporter of shared cycle / pedestrian routes and strongly objected to the cycleway scheme in Mile End and the widening of Colne Bank Avenue being referred to as improvements as, in his view, they had contributed to fewer people choosing to cycle and, as such, could not be classed as good pieces of infrastructure. He suggested that consideration could be given to the report referring to a preference for the inclusion of more detailed transportation information and an expression of regret that this was had not been possible due to very limited resources.

Councillor Willetts welcomed the AMR, he was concerned about the amount of industrial floor space that had been lost and considered it necessary for a more robust policy to limit this decline, especially considering previous arguments in relation to the creation of

job opportunities to assist with the retention of graduates. He also referred to the transportation policy and mentioned the higher levels of investment in the town centre wards compared to the rural wards. He considered the policies to be too urban centric with a tendency to overlook the issues for those living outside the town centre where residents were compelled to rely on the car as the pre-eminent means of transport. He was of the view that the council needed to press for much better policies at a strategic level in respect of public transport for what was wanted in Colchester and he asked for future versions of the AMR to look deeper at the rural issues.

The Strategic Director Policy and Place explained that some of the conversions of commercial floor space had been no great loss from the commercial stock as they tended to relate to the older buildings which had become difficult to market. However, in the recently published Autumn Statement proposals had been included in relation to permitted development being extended to include the demolition of commercial buildings and their replacement with residential and which he considered should be of significant concern to the Committee. He further considered that this was likely to have a negative impact on the available commercial floor space in a Borough such as Colchester. Colchester had a very good record in providing the required number of houses and the growth in employment had also been sufficient to the extent that it had managed to match the housing growth.

Councillor Fox commented on the demand for new houses and the Committee's role being to get the houses in the right place, with the market deciding how many houses would be required. He further stated that he was a supporter of Garden Communities as they gave the opportunity to provide infrastructure first.

RESOLVED that 2016-17 Authority Monitoring Report be approved for publication on the Council's website.

## **129     Brownfield Land Register**

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the updated Brownfield Land Register taking into account the change in planning status of sites within the Borough, completions and commencements of sites along with changes in the regulations since the pilot Brownfield Land Register scheme had been undertaken.

Karen Syrett, Place Strategy Manager presented the report and responded to member's questions. She explained that legislation had recently placed a responsibility on Councils to prepare and maintain a register of brownfield sites. The Register must be published by 31 December 2017 and had to be in two parts:

- Part 1 - all sites which were 'suitable', 'available', and 'achievable' for residential development which could be delivered within 15 years, but for any development to take place, planning permission would need to be granted.

- Part 2 - any sites which warranted 'permission in principle' (PiP) for residential development with the land owner/developer needing to apply for 'technical details consent' before any development could commence.

A relatively small number of sites had been entered into the register, reflecting the limited number of sites that remained and how effective the Council has been previously at redeveloping brownfield sites within the Borough. The Council had participated in a pilot scheme for brownfield land registers and had used the data from the pilot to inform the current updated register, taking into account the change in planning status, completions and commencements and changes in the register requirements. No sites within the register were being considered for Part 2 of the register, reflecting the need for further clarification in relation to the requirements for supporting environmental and health assessment work.

It was further explained that land must be entered onto Part 1 of the register where it met the following criteria:

- Land falls within the local authority area and met the definition of previously developed land as set out in the National Planning Policy Framework (NPPF);
- Had an area of at least 0.25 hectares (or was capable of supporting at least five dwellings) and
- Was considered suitable, available and achievable for residential development.

Additionally, subject to certain Environmental Impact Assessment restrictions, Councils could decide to grant housing-led development sites PiP providing the main purpose was the provision of housing and enter them onto Part 2 of the register where:

- The site met the criteria for entry on Part 1 of the register and
- The necessary requirements for publicity, notification and consultation had been undertaken.

The report outlined in detail the criteria and planning application process associated with PiP and Part 2 of the register and explained that the register would be reviewed annually and kept available for public inspection and it was intended to make it available on the Council's website. The pilot Brownfield Land Register had been publicly available since August 2016, new sites had been considered for inclusion in the new Register and the dedicated webpage included provision for the submission of additional sites for consideration. It was therefore suggested that no 'call for sites' type process would be required.

The Place Strategy Manager indicated that the copy of the Register attached to the report in the Committee's agenda had been incomplete and she circulated an updated copy showing all of the 34 sites identified.

Councillor Jowers welcomed the report and confirmed his support for no sites to be allocated in Part 2 of the Register as he was concerned at the implications of PiP. He

acknowledged that the Council's previous record in the allocation of brownfield sites had the corresponding impact in terms of loss of jobs. Reference was also made to the impact of market corrections associated with an economic recession, in terms of the greater number of houses sold to registered social landlords.

Councillor Willetts asked about the definition of brownfield sites and whether there was any flexibility for the Council to use its own judgement in allocating sites for inclusion in the Register.

The Place Strategy Manager explained that there was a clear definition for brownfield land which was set out in the National Planning Policy Framework as follows: 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

Councillor Barlow referred to brownfield land being in short supply and, as such, the Council's inability to rely on it to deliver five years of housing supply. He further asked for future versions of the Register to be amended to include ward names for each site.

RESOLVED that the contents of the report be noted and the publication of the Brownfield Land Register be approved.

## **130 Colchester Northern Gateway Master Plan Review**

**Councillor Jowers here left the meeting.**

**Councillor Graham (in respect of his directorship of Colchester Community Stadium Board) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

James Collitt addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained he lived in Boxted and welcomed the plans for the Northern Gateway. He wished to make representations about safety concerns in terms of facilities for pedestrians in the Boxted / Langham areas. He referred to existing dangers along Langham Lane and Langham Road and the potential for accidents which would be compounded following the development at the Northern Gateway. He sought clarification about what plans were in place to address this issue. He also had ideas to link current footpaths to convert them to bridleways from Langham Road to Cage Lane.



He was of the view that local horse riders would welcome the opportunity to have easier access to the Northern Gateway by means of a new bridleway system. He also considered the roads far too dangerous for children to cycle to the Northern Gateway area, rather it would be incumbent on parents to take children by car. He considered this was a significant issue for people living to the north of the development wishing to access the Northern Gateway. He had mapped out a potential route but it would involve further research and discussions with landowners to assess feasibility and bring it to fruition. He also advocated the introduction of solar lighting to illuminate the potential route.

The Chairman welcomed the suggestion for better and safer access to the Northern Gateway, confirming similar discussions had taken place at Myland Community Council meetings in relation to pedestrian improvements. He referred to the assistance provided by Essex County Council's Public Rights of Way Officer in relation to the legal processes involved in order to provide a crossing from Tower Lane across the Via Urbis Romanae. He agreed that pedestrian access was important but was aware that there would be financial resource implications and progress was likely to be dependent on these issues being incorporated into long term strategic work between the Parish Council, Ward Councillors and Essex County Council.

Lois Bowser, Development Project Specialist, acknowledged that it was crucial to the success of what was trying to be achieved at the Northern Gateway for this Council to lead by example in terms of creating a sustainable development, not just about the environment and energy but also including sustainable access. However, she explained there were issues in relation to land ownership, the boundaries of the Council's responsibilities and the authority for modifying and creating public rights of way resting with the County Council. Work had been done to identify physical and visual linkages to assist in planning future access improvements and she explained that funding bids had been submitted to Highways England and the Government to support cycling and pedestrian access aspirations.

The Development Project Specialist presented a report by the Assistant Director Policy and Corporate giving details of the final version of the Colchester Northern Gateway Master Plan which had been updated and amended to align with the Draft Local Plan Publication Draft land use allocations in the Northern Gateway. Together with Karen Syrett, Place Strategy Manager and Ian Vipond, Strategic Director Policy and Place, she also responded to members questions.

It was explained that any development at the Northern Gateway was required to be in accordance with a Masterplan document, requiring an agreed design approach and compatible uses. The first version of a Masterplan had been produced in 2012 and subsequently updated and endorsed by the Local Plan Committee in 2016, subject to improvements to the written text and illustrative material. The Masterplan had now been further updated and amended to align with the Local Plan Publication Draft land use

allocations for the Northern Gateway.

Since the Masterplan had been first prepared there has been significant change with proposed road and facility development taking place, and further proposals had been submitted as planning applications. The Local Plan had also been reviewed and included policy changes in respect of the Northern Gateway. As a consequence it was considered there was a need to update and review the Masterplan in order to ensure it was fit for purpose, conformed to the policy framework and reflected responses received to the public consultation. In addition, when the revised Masterplan was endorsed in 2016, concerns were raised about some aspects of the presentation and illustrations. The consultants were asked to address these issues and to prepare a final version, ensuring compliance with emerging local plan designations. There was one point of minor divergence regarding the access to the Mill Road housing site. The Masterplan suggested access coming off Mill Road as well as off Axial Way whilst the Local Plan Publication Draft provided for access from Axial Way unless other considerations prevented this.

The intention behind the Masterplan was to help coordinate the development of the Colchester Northern Gateway area so that new design creates a strong sense of place and an attractive, quality destination for inward investment. It is intended that, wherever practical, new development should follow the urban design principles it sets out and conform to local planning policies, as such the Masterplan would form a material consideration as planning applications are brought forward for the Northern Gateway. A Public Realm document for the Northern Gateway had also been produced to provide a Vision of the Northern Gateway as a 'place' and to provide a landscape context for the public realm and site layout.

Councillor Chapman asked for a reference to be made to Rural North ward being included in the list of wards affected by the report, reflecting the reality that development was now proposed for north of the A12. He remained concerned in relation to terminology used in the report such as footpaths being referred to as 'main urban links', he asked for further information about the relative size of proposed six storey buildings to the south of the development compared to the height of Colchester Community Stadium and emphasised the need to give Parish Councils more time to respond to the consultation on the Masterplan given the absence of scheduled Parish Council meetings during the month of December. He went on to advocate the need to develop routes to the north of the development, acknowledging the comments made by Mr Collitt and the need to work with other partners to achieve access improvements. He also welcomed the improvements to access for people travelling north from the Northern Gateway into the Dedham Vale whilst highlighting the prospective policy ENV4 referring to Dedham Vale contained in the draft Local Plan in relation to the dark skies concept. He considered this concept needed to be taken into account, particularly in relation to lighting associated with the relocated rugby ground and cycle track. He also asked for reassurance that the artists based at Cuckoo Farm would be involved at the appropriate

time in the future.

The Development Project Specialist confirmed that the references to 'urban' links in the report would be amended and acknowledged the unintentional bias towards access from the south compared to linkages from the north, confirming this would also be looked at. She further explained that the footpath/bridleway link at Severalls Lane was being investigated to make access safer as part of the sports project. In terms of the heights of buildings, part of the project was to create an urban feel and commercial presence to provide for a higher quality of development to attract commercial investors. It was intended this would be confined to the boulevard area, with building heights that may be slightly higher than the stadium in small and prominent locations. In terms of the dark skies concept, an environmental impact assessment was being conducted to look at the impact of lighting on the environment and wildlife. An ecology management plan would be formulated and the positioning of lights would need to be thought through very carefully, bearing in mind that the sporting facilities would include cycling and rugby provision whereby some element of low level street lighting and night time flood lighting would be required. She acknowledged that concerns had been expressed by the residents of Whitehouse Farm about the impact of lighting. A Feasibility Study was being worked on with the tenants at Cuckoo Farm and she envisaged some exciting developments may be forthcoming as a result. She also confirmed the preference for local artists to be used if funding for public art was forthcoming at a later stage in the development.

The Chairman welcomed opportunities to include public art as part of residential developments whilst referring to the need for such projects to be mindful of the impact of operational vandalism.

The Place Strategy Manager referred to a ministerial statement which had revoked the inclusion of public art in matters which could be sought through developer contributions and, as such, funding sources would need to be sought from elsewhere for such projects in the future.

Councillor Warnes welcomed the use of public arts projects, particularly when used to deliver large, bold statement pieces, such as along the approach roads to the Northern Gateway. He also referred to the area where the leisure promenade and boulevard overlapped. He considered, this area looked as if it may be a very narrow interchange and he sought assurances that this would be of adequate width to ensure pedestrian safety and whether the correct balance would be struck between pedestrian and traffic priority at this junction. He also sought concessions to encourage public use of the open space area.

The Development Project Specialist confirmed that Myland Community Council had expressed interest in taking on the maintenance of the open space area. She explained that the crossing where the pedestrian friendly boulevard met the road would be made

as safe and usable as possible, being assisted by the provision of a proposed bus stop which would be useful for access and also to slow down pedestrians. She further explained that there was a major piece of work being undertaken with the transport consultants, including a possible review of the roundabout to make it safer for people to cross and for buses to use. She referred to art in the environment making use of grass mounds and wooden play structures and seating, using structures as expressions of public art which would be a welcome feature for the Northern Gateway.

Councillor Barlow welcomed the comments made regarding safe access for pedestrians to the north of the development and whether this could be considered in terms of a wider project from the town centre, through Highwoods Country Park to the Dedham Vale. He also welcomed public art in open spaces and the cost associated with maintenance as a result of interaction by the public was an inevitable consequence which needed to be accepted.

The Development Project Specialist explained that, as landowner, the Council was able to impose a service charge to provide funding to keep the public realm well maintained.

Councillor Willetts welcomed the Masterplan document and supported the aspirations to build a good quality development. He mentioned the use of United Way and Axial Way by pedestrians walking from the Park and Ride car park and the dangers that this entailed. With reference to the design principles for the boulevard and the promenade and the sharing of space between pedestrians, buses and cars, he considered this to be a very retrograde proposal and suggested a design principle should be adopted to separate pedestrians from other forms of transport. He was aware this was likely to have very high cost implications but would provide for the far better free flow of pedestrians in safety.

Councillor Warnes agreed that it was important to give pedestrians priority but he reaffirmed his view that the separation of pedestrians did not work in practice because people had 'desire lines' when they chose to cross vehicular routes and accordingly, forcing people to walk up steps or down underpasses did not work.

Councillor Fox placed on record his support for the development which he considered to be an exciting project which would be very beneficial for Colchester.

Councillor Graham, as ward councillor for the area and a regular car user of the Via Urbis Romanae as well as regular walker and cyclist in the area in general, agreed with comments expressed by Councillor Willetts in terms of the very poor design for pedestrians. He also acknowledged the practice of pedestrians picking a route and following it despite potentially obvious dangers. He was concerned about the impact on the financial breakdown for the Northern Gateway development given the likely need for the roundabout to be redesigned.

The Development Project Specialist acknowledged the concerns about pedestrian access and the roundabout junction and gave further details in terms of lighting provision to stop traffic on the slip roads and the provision of footways which were likely to require funding of around £500,000. For the boulevard crossing of Axial Way a funding bid had been submitted for improvements.

The Chairman confirmed that there was also a small amount of funding being provided by Mersea Homes for the roundabout improvement and, in terms of the community open space at the rugby club, he explained that the report had omitted specific reference to this being 12 acres / 4.5 hectares / 40% of the site.

The Strategic Director Policy and Place referred to an amendment which needed to be made to the report in respect of Site No1, identified on pages 102 and 103 of the report as a 'development site'. He explained that in the Strategy on page 119, the site had been incorrectly referred to as an open space.

RESOLVED (UNANIMOUSLY) that –

- (i) Subject to Site No 1 being identified as a 'development site' throughout the Masterplan document and bearing in mind the various comments made during the course of the Committee's discussions, the Northern Gateway Masterplan, including the urban design principles forming an urban design framework for the Northern Gateway, be adopted as guidance for development and future planning applications;
- (ii) Approval be given for this final Masterplan document to become a material consideration in the consideration of planning proposals in the Northern Gateway area;
- (iii) The production of a follow-on Public Realm Landscape Strategy for the Northern Gateway be noted as detailed in Appendix 2 to the report.



19 March 2018

<b>Report of</b>	Assistant Director: Corporate & Policy	<b>Author</b>	Laura Chase
<b>Title</b>	National Planning Policy Framework Consultation		
<b>Wards affected</b>	All		

## 1. Executive Summary

- 1.1 This report summarises proposed changes to the National Planning Policy Framework and provides committee members with the opportunity to feed in to the Council's response to the consultation.

## 2. Recommended Decision

- 2.1 That the Local Plan Committee notes the consultation on the National Planning Policy Framework and advises officers on any points it would wish to see included in Colchester Borough Council's response to the consultation. The response will subsequently be finalised by means of a Portfolio Holder Report prior to submission to Government.

## 3. Reason for Recommended Decision

- 3.1 To ensure the committee is made aware of the proposed changes to the NPPF and given the opportunity to influence the Council's consultation response to Government.

## 4. Alternative Options

- 4.1 The Council could decide not to respond to the consultation, but this would miss the chance for the Committee to debate and comment on the proposed changes.

## 5. Background Information

- 5.1 The Government published draft revisions to the National Planning Policy Framework on 5 March. Included within the information published by the Ministry of Housing, Communities and Local Government alongside the revised NPPF was a report which summarises the changes proposed and highlights the questions asked in the consultation. It is attached as Appendix 1. The document itself along with other papers published and as detailed below, are available here;

<https://www.gov.uk/government/collections/national-planning-policy-framework-and-developer-contribution-consultations>

Key issues are summarised below, and further information on the potential implications for Colchester will be presented verbally at the Committee once officers have had time to analyse proposals in more detail.

- 5.2 The proposed changes to the framework, the first since the original version was issued six years ago, include changes arising from the following previous policy consultations and planning policy changes:
  - NPPF consultation on proposed changes (December 2015)

- Housing White Paper (February 2017)
- Planning and Affordable Housing for Build to Rent (February 2017)
- Planning for the Right Homes in the Right Places (September 2017)
- Changes to planning policy implemented through Written Ministerial Statements since 2012
- Changes reflecting the effect of case law on the interpretation of planning policy
- Improvements to the text to increase coherence and reduce duplication.

The consultation also seeks views on further changes to planning policy including those announced at Budget 2017.

- 5.3 In addition to changes to the NPPF, the Government is also publishing a number of supporting documents, government responses, and further consultations including the following:
- Supporting Housing Delivery through Developer Contributions: consultation;
  - Draft Planning Practice Guidance for Viability;
  - Housing Delivery Test: draft measurement rule book;
  - Government responses to the Housing White Paper and the Planning for the Right Homes in the Right Places consultations; and
  - Section 106 Planning Obligations and the Community Infrastructure Levy in England, 2016 to 2017: report of study.
- 5.4 The NPPF revision has included changes to structure as well as content. The document is now set in 17 topic-based chapters which provide an overview of the planning framework and the relevance of different policies. All the 2012 NPPF paragraph numbers have been changed, so new references will need to be memorised.
- 5.5 **Housing** – The NPPF review focuses on ways to improve delivery to reach the 300,000 homes per year target and how to increase affordable housing provision. The standardised methodology for calculating local housing need developed by the Local Plans Expert Group is included, with details to be set out in forthcoming revisions to Planning Practice Guidance. Policies regarding design, densification, affordable home ownership expectations, the housing delivery test, making the most of town centre sites, and small sites are spread across the document. A new proposed policy allows the development of exception sites to provide entry-level housing for first-time buyers (and renters) (para 72).
- 5.6 **Plan making** - Plans have been strengthened and provided with an even greater role, further underlining the Government's intention for the English planning system to be a plan-led one, with a focus on strategic policies. The plan-making chapter (3, paras 15-38) reflects previous announcements and/or changes made through primary legislation, such as for local plan policies to be reviewed 'at least once every five years' (para 23), and proposed tweaks to the tests of soundness (para 36). The duty to co-operate would be bolstered by a requirement for the preparation of statements of common ground, documenting the cross boundary issues to be addressed, and progress in dealing with them. Further details would follow in planning practice guidance.
- 5.7 **Viability** - Reference to 'competitive returns to a willing land owner and willing developer' has been removed. New para. 58 clarifies that when development proposals accord 'with all the relevant policies in an up-to-date development plan' there will be no need to submit a viability assessment. Furthermore, there is proposed to be a (previously consulted on) fundamental shift towards focusing viability assessments at the plan-making stage rather than the decision-making stage, but with the local plan setting out where further (publically available) viability assessments might be required at planning application stage (para 34 and 'Supporting housing delivery through developer contributions').



- 5.8 **CIL and Section 106** - The objectives of the proposed reform are to provide more clarity and certainty around how developer contributions work, improve their relationship with market signals and changes through time, improve transparency, accelerate development, and allow the introduction of a Strategic Infrastructure Tariff by combined authorities (as used in London). Proposals to simplify the process for reviewing CIL charging schedules, lifting section 106 pooling restrictions, allowing CIL charging schedules to be set based on existing use of land, and for setting developer contributions nationally, which would not be negotiated, are among the proposed measures. A separate consultation on supporting housing delivery through developer contributions has been launched alongside the NPPF consultation to deal with these proposed changes.
- 5.9 **Town Centres** - It is proposed that policies should look at least ten years ahead in allocating sites to meet the need for town centre uses but not necessarily over the entire plan period, in view of the difficulties of longer term forecasting. The changes proposed to the sequential test for main town centre uses would allow out-of-centre sites to be considered only if town centre or edge-of-centre locations are not available, or not expected to become available 'within a reasonable period' (para 87), acknowledging that a suitable town centre site might be in the development pipeline. The requirement for office development (above a certain floorspace threshold) outside of town centres to undertake and submit an impact assessment is proposed to be removed.
- 5.10 **Other matters** - Consultation on the revised draft NPPF runs until 10 May. The government's intention is to produce a final version "before the summer", according to the consultation document. The Government intends to consult on further planning reforms, particularly around new permitted development rights for upwards extensions, as well as around more effective ways of bringing agricultural land forward for housing. The transition period for plan-making would be 6-months long following publication. But there are no proposed transitional arrangements for either the amendments to the soundness test, or for the introduction of statements of common ground. The Government considers that the Housing White Paper, and other consultations, have provided enough time for local authorities to recognise the direction of travel and prepare for these potential future changes to the revised NPPF.

## **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>

## **7. Strategic Plan References**

- 7.1 The National Planning Policy Framework is relevant to all four of the Council Strategic Plan 2018 – 2021 priorities which include Growth, Responsibility, Opportunity and Well-being.

## **8. Consultation**

- 8.1 Consultation on the proposed changes to the National Planning Policy Framework is being carried out at national level in line with national regulations. It will run until 10<sup>th</sup> May 2018.

## **9. Publicity Considerations**

- 9.1 Publicity may result on the views expressed by the Council on proposed changes to the national planning system.

## **10. Financial implications**

10.1 There are no direct financial implications for the Council.

## **11. Community Safety Implications**

11.1 There are no direct community safety implications for the Council.

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

12.1 There are no direct health and safety implications for the Council.

## **13. Risk Management Implications**

13.1 There are no risk management implications for the Council.

## **Appendices**

Appendix 1 -MHCLG report on National Planning Policy Framework consultation proposals



Ministry of Housing,  
Communities &  
Local Government

# National Planning Policy Framework

Consultation proposals



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Ministry of Housing, Communities and Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF  
Telephone: 030 3444 0000

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March 2018

ISBN: 978-1-4098-5206-3

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# Scope of the consultation

Topic of this consultation:	<p>This consultation seeks views on the draft text of the National Planning Policy Framework. The text has been revised to implement policy changes previously consulted on through:</p> <ul style="list-style-type: none"> <li>• National Planning Policy: consultation on proposed changes (December 2015) available at: <a href="https://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes">https://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes</a></li> <li>• the housing White Paper (February 2017) available at: <a href="https://www.gov.uk/government/publications/fixing-our-broken-housing-market">https://www.gov.uk/government/publications/fixing-our-broken-housing-market</a></li> <li>• Planning and Affordable Housing for Build to Rent – a consultation paper (February 2017) available at: <a href="https://www.gov.uk/government/consultations/planning-and-affordable-housing-for-build-to-rent">https://www.gov.uk/government/consultations/planning-and-affordable-housing-for-build-to-rent</a></li> <li>• Planning for the right homes in the right places: consultation proposals (September 2017) available at: <a href="https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals">https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals</a></li> </ul> <p>This consultation also seeks views on further changes to planning policy including those announced at Budget 2017.</p>
Scope of this consultation:	The Ministry of Housing, Communities and Local Government is consulting on the draft text of the National Planning Policy Framework. It also seeks views on new policy proposals. In responding to this consultation we would appreciate comments on any potential impacts under the Public Sector Equality Duty.
Geographical scope:	These proposals relate to England only.

## Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government

Duration:	This consultation will begin on Monday 5 March 2018 and will close at 23.45 on Thursday 10 May 2018.
Enquiries:	For any enquiries about the consultation please contact: <a href="mailto:planningpolicyconsultation@communities.gsi.gov.uk">planningpolicyconsultation@communities.gsi.gov.uk</a>
How to respond:	<p>Consultation responses should be submitted by online survey: <a href="https://www.surveymonkey.co.uk/r/NPPFconsultation">https://www.surveymonkey.co.uk/r/NPPFconsultation</a></p> <p>We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.</p> <p>We have listened to concerns about the use of online surveys in the past and have made a number of adjustments ahead of this consultation. The online survey will allow respondents to: select the sections they wish to answer, without having to go through the whole survey; save and return to the survey later; and submit additional information or evidence to support their response to this consultation.</p> <p>Further advice on how to use these new features is available on the home page of the online survey.</p> <p>Should you be unable to respond online we ask that you complete the pro forma found at the end of this document. Additional information or evidence can be provided in addition to your completed pro forma.</p> <p>In these instances you can email your pro forma to: <a href="mailto:planningpolicyconsultation@communities.gsi.gov.uk">planningpolicyconsultation@communities.gsi.gov.uk</a></p> <p>Or send to:</p> <p>Planning Policy Consultation Team Ministry of Housing, Communities and Local Government 3<sup>rd</sup> floor, South East Fry Building 2 Marsham Street LONDON SW1P 4DF</p>

# Introduction

This country does not have enough homes. For decades the number of new homes has not kept pace with rising demand. That has created a market that fails to work for far too many families, resulting in soaring prices and rising rents. The Government is clear that the country needs radical, lasting reform that will allow more homes to be built.

The housing White Paper [Fixing our broken housing market](#) set out a comprehensive strategy to tackle these failures. This comprised planning for the right homes in the right places, building homes faster, diversifying the market and helping people now. Further detail on a number of these reforms was set out in [Planning for the right homes in the right places](#) in September 2017.

[Budget 2017](#) built on this strategy to put us on track to reach 300,000 net additional homes a year. It included additional proposals to change planning policy and legislation to bring forward more land in the right places, invest in infrastructure (including investment from the Housing Infrastructure Fund as announced on 1 February) and a more active Homes England to diversify the market. This includes the manifesto commitment to capture increases in land value and reinvest that in local infrastructure, essential services and further housing.

The Government is announcing further progress on turning this strategy into reality, comprising:

- A draft new National Planning Policy Framework (the Framework), building on the first Framework published in 2012 that consolidated around 1,000 pages of planning policy into a single document;
- Draft updates to national planning guidance which, when finalised, will form part of the Government's online [Planning Practice Guidance](#);
- Proposals for reforming developer contributions, to be delivered through regulations; and
- Associated papers, including the Government's response to the consultations on the housing White Paper and *Planning for the right homes in the right places*.

The draft new Framework implements the Government's reforms to planning policy. Subject to this consultation, the Government intends to publish a final Framework before the summer. In developing the draft Framework the Government has incorporated:

- proposals from the previous consultations listed at the start of this document, taking into account the views raised in response to them;
- changes to planning policy implemented through Written Ministerial Statements since publication of the first Framework in 2012 (Annex A);



- the effect of caselaw on the interpretation of planning policy since 2012; and
- improvements to the text to increase coherence and reduce duplication.

The Government is ambitious about reforming housing and planning policy so that it is as effective as possible in improving the supply of homes. Therefore this consultation includes a number of further changes to policy, beyond those consulted on previously, to help ensure that more land is brought forward for development and that permissions are turned into homes as soon as possible.

The Government is also considering what further planning reforms could support this objective. These would be subject to the outcomes of Sir Oliver Letwin's review of build out and future consultation, and include:

- a new permitted development right for upwards extensions; and
- more effective ways of bringing agricultural land forward for housing.

The Government welcomes comments on the ways in which the draft Framework implements changes to planning policy on which the Government has previously consulted, and on the merits of the new policy proposals that it includes. It now challenges developers, local authorities, communities, councillors and professionals to work together to ensure that great developments in line with the Framework are brought forward and to enable more people to meet their aspiration for a home of their own.

# Summary of proposals

The Framework was first introduced in 2012. It brought together around 1,000 pages of planning policy and guidance into a single document. Critically, and in line with the Government's housing ambitions, it established a 'presumption in favour of sustainable development'.

This revised Framework:

- makes a number of structural changes, in particular dividing the document into clear chapters;
- incorporates policy proposals on which the Government has previously consulted; and
- incorporates additional proposals on which this document is consulting.

However there is much continuity – the presumption in favour of sustainable development remains at the heart of the Framework, and more text has remained the same than changed. Its length, in terms of the number of words, has been reduced.

The sections below outline the main changes proposed to the Framework. This document does not cover minor changes, such as updated references or movements of paragraphs to improve the flow of the text.

## Chapter 1 Introduction

**The revised text reflects these previous announcements or consultation proposals:**

Paragraph 6 clarifies that endorsed recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications.

**Q1** Do you have any comments on the text of Chapter 1?

## Chapter 2 Achieving sustainable development

**The revised text reflects these previous announcements or consultation proposals:**

The wording of the presumption in favour of sustainable development (paragraph 11) has been reordered to reflect the way that plan and decision-making are approached in practice. The draft text also sets out an expectation for objectively assessed needs to be

accommodated unless there are strong reasons not to, including any unmet needs from neighbouring areas.

The current Framework includes examples of policies which provide a specific reason for restricting development. This is proposed to be changed to a defined list, which is set out at footnote 7 and includes Ancient Woodland and aged or veteran trees. This approach does not preclude other policies being used to limit development where the presumption applies, if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

**The revised text also proposes these policy changes:**

Paragraphs 8-10 have been amended to clarify the role of the three high-level objectives for planning, and explain more clearly how these relate to the presumption in favour of sustainable development.

Additional changes to the presumption in favour of sustainable development clarify that the policies which provide a specific reason for refusing development (at footnote 7) relate to areas or assets of particular importance identified elsewhere in the Framework. The decision-making part of the presumption has also been changed to provide greater clarity, so that it refers to circumstances where “there are no relevant development plan policies, or the policies most important to determining the application are out of date”; and to “refusing” rather than “restricting” development. These changes are intended to improve the application of the presumption, by addressing aspects that have been subject to litigation about their scope or meaning.

**Q2** Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Paragraph 14 is based on the Written Ministerial Statement of 12 December 2016, to provide additional certainty for neighbourhood plans in certain circumstances, including where there is substantial under-delivery of housing. It protects certain plans in circumstances where the adverse impacts of allowing development that conflicts with a neighbourhood plan are likely to significantly and demonstrably outweigh the benefits. This revised wording is considered to be more effective than setting out the ‘weight’ that should be given to plans in particular circumstances.

It is proposed that the ‘core planning principles’ section in the existing Framework is deleted, to remove duplication with other chapters, and ensure that important policy messages are aligned with relevant topic chapters to maximise their effectiveness. The content of the core principles has been retained, and been moved to the most appropriate parts of the revised Framework.

- Q3** Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?
- Q4** Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

## Chapter 3 Plan-making

**The revised text reflects these previous announcements or consultation proposals:**

The housing White Paper proposed a number of changes to plan-making policy, which build on the changes in law introduced through the Neighbourhood Planning Act 2017. These are reflected in the plan making chapter as follows:

- a) a new plan-making framework which defines strategic priorities and allows authorities to plan for these in the most appropriate way;
- b) amendments to the tests for a 'sound' plan, to make clear that it should set out 'an' appropriate strategy rather than 'the most appropriate strategy' (to avoid the need for disproportionate work to demonstrate that a strategy is optimal);
- c) enabling spatial development strategies to allocate sites if there is unanimous agreement;
- d) the new requirement for authorities to review plan policies every five years following the date of adoption, with updates, if necessary, to reflect changing circumstances;
- e) tightening the evidence which is expected in respect of both local and strategic policies to support a 'sound' plan, to allow for a more proportionate approach; and
- f) introducing the expectation that plans should use digital tools to assist consultation and presentation of policies.

The *Planning for the right homes in the right places* consultation also proposed changes that are reflected in the chapter. These are:

- a) setting out that to meet the test of soundness authorities (including Mayors and combined authorities with plan-making powers), when preparing plans, will need to prepare and maintain a statement of common ground, as evidence (where appropriate) of the statutory duty to cooperate;
- b) changing the 'effective' and 'positively prepared' soundness test so that these more clearly encourage agreements and joint working; and
- c) a new approach to viability, through which plans are expected to be clear about the contributions expected in association with development. This will help ensure that requirements on developments set through plan policies are deliverable, more

transparent and provide more certainty about what will be expected at the decision-making stage.

Paragraph 23 reflects changes to the Town and Country Planning (Local Planning) (England) Regulations 2012 which come into force on 6 April 2018, requiring local planning authorities to review their local plans every five years from adoption. Under the Neighbourhood Planning Act 2017, local planning authorities must consider whether to revise the document following such a review, and publish their reasons if they decide not to do so.

**The revised text also proposes these policy changes:**

Paragraph 21 expects strategic policies to be distinguished clearly in plans, to allow clear scope for local policies to be formulated.

Further changes are also proposed to the tests of 'soundness', to:

- a) ensure a consistent approach to examination, by extending their application to all strategic and local plans, so that policies in a spatial development strategy are assessed against the same criteria as strategic policies in a local plan;
- b) amend the 'positively prepared' soundness test to emphasise the role of plans in meeting objectively assessed needs for housing;
- c) strengthen the 'effective' soundness test to emphasise effective joint working, as evidenced by the Statement of Common Ground which enables authorities to record where agreements have and have not been reached; and
- d) make clear that the tests will be applied proportionately to local policies according to the extent to which they accord with strategic policies.

**Q5** Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

**Q6** Do you have any other comments on the text of Chapter 3?

## Chapter 4 Decision-making

**The revised text reflects these previous announcements or consultation proposals:**

Paragraph 58 takes forward the reforms to viability assessment proposed in the *Planning for the right homes in the right places* consultation. The policy makes clear that where a proposed development accords with all relevant policies in the plan there is no need for a viability assessment to accompany the planning application. This should speed up the decision making process by reducing scope for delay caused by negotiation of developer

contributions. The policy also expects all viability assessments to reflect the Government's recommended approach which is set out in draft revised national planning guidance published alongside the Framework.

**Q7** The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

In support of the revised Framework, draft national planning guidance says that plans should define circumstances in which viability assessment is carried out at the decision making stage. The guidance gives some illustrative examples of circumstances which plan makers could identify as requiring viability assessment at the decision making stage.

**Q8** Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

The guidance says plans can set out when and how review mechanisms may be used to amend developer contributions to help account for significant changes in costs and values and provide certainty through economic cycles. Plans can set out how review mechanisms will be used to identify any significant increase in the overall value that occurs over the lifetime of a large or multi-phased development, and how that increase in value will be apportioned between the local authority and the developer to provide more certainty for delivering supporting infrastructure.

**Q9** What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

**The revised text also proposes these policy changes:**

An additional reference to non-statutory and statutory consultees has been included in paragraph 41 to highlight their role and encourage local planning authorities to refer applicants to them for pre-application advice where appropriate. Similarly, text on the need for discussions about infrastructure and affordable housing at the pre application stage has been added to paragraph 42 to encourage early engagement on these issues.

Changes at paragraph 45 reflect the fact that the local information requirements do not apply to applications for permission in principle, and that the local list of information requirements applicable to applications made on or after 31 July 2013 must have been published (or republished) during the two years before the application is made.

Changes at paragraph 46 have been made to more accurately reflect the requirements of the Seveso Directive.

New paragraphs 48 to 51 set out the weight that may be given to policies in emerging plans (previously in Annex 1), and puts into policy the approach to ‘prematurity’ previously contained in national planning guidance.

**Q10** Do you have any comments on the text of Chapter 4?

## Chapter 5 Delivering a wide choice of high quality homes

**The revised text reflects these previous announcements or consultation proposals:**

This chapter implements a number of proposals from the previous housing White Paper and *Planning for the right homes in the right places* consultations.

Paragraph 61 introduces a new standard method for the calculation of local housing need. The details of the standard method are set out in draft revised national planning guidance published alongside the Framework.

Paragraph 62 makes clear that there should be clear policies for addressing the housing requirements of groups with particular needs. Students and travellers have been added to the list, as have people who rent their homes to reflect the outcomes of the *Planning and Affordable Housing for Build to Rent* consultation in February 2017.

Paragraphs 63-64 reflect the Written Ministerial Statement of 28 November 2014 on affordable housing contributions.

Paragraph 65 implements the housing White Paper proposal that at least 10% of homes on major sites should be available for affordable home ownership, with certain exemptions.

Paragraphs 66-67 introduce an expectation that local authorities should provide a housing requirement figure for designated neighbourhood areas.

Paragraphs 69-70 take forward the housing White Paper proposals to encourage greater use of small sites, to help diversify opportunities for builders and increase the number of schemes that can be built-out quickly. Following Budget 2017 the draft text proposes that local planning authorities should ensure that at least 20% of the sites allocated for housing in their plans are of half a hectare or less. However we remain open to views as to whether this is the most appropriate threshold for ensuring a good supply of small sites while not slowing plan production, or whether a broader approach should be taken (which could include measures to promote more medium sized sites as well). Therefore we are interested in whether:

- a) the proportion of allocations should relate to the number of sites allocated as currently proposed, the number of sites identified in these and other ways (such as through brownfield registers), or the overall number of homes to be provided for;
- b) the most appropriate size threshold to ensure that a suitable mix of small and medium sized sites comes forward; and
- c) the most appropriate percentages to apply.

**Q11** What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Paragraphs 74(c), 75 and 77 set out the policy consequences of the new Housing Delivery Test. Footnote 29 proposes that from 2020, the presumption in favour of sustainable development will apply where delivery is below 75% of the authority's housing requirement. The proposed threshold of 75% was announced at Budget 2017. The local government finance settlement technical consultation in September 2017 on New Homes Bonus revision, set out that the Government intends to go further in 2019-20. This could include linking payment of the bonus to the housing delivery test or the standard approach to local housing need. We would consult on any further changes to the bonus before proposed implementation in 2019-20.

**Q12** Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

Paragraph 76 takes forward the housing White Paper proposal that the 5 year land supply position should be capable of being agreed for a one year period. The policy proposes that this should be demonstrated either through a recently adopted plan, or through a subsequent annual position statement. The minimum 10% buffer required in order for local authorities to take advantage of this policy is set out in paragraph 74(b).

Paragraph 78 provides that authorities should consider imposing a planning condition to bring forward development within two years, except where a shorter timescale could hinder the viability or deliverability of a scheme. It also encourages local planning authorities to consider why major sites have not been built out when considering subsequent planning applications.

**The revised text also proposes these policy changes:**

Paragraph 72 reflects the announcement at Budget 2017 that the Government would consult on allowing the development of exception sites to provide entry-level homes suitable for first-time buyers, where a local need is identified.

**Q13** Do you agree with the new policy on exception sites for entry-level homes?



**Q14** Do you have any other comments on the text of Chapter 5?

## Chapter 6 Building a strong, competitive economy

**The revised text incorporates these new policy proposals:**

Paragraphs 82-83 make more explicit the importance of supporting business growth and improved productivity, in a way that links to key aspects of the Government's Industrial Strategy.

The rural economy section in the existing Framework has been brought within this chapter, with new policy at paragraph 85 on the potential need for planning policies and decisions to accommodate sites for local business and community needs outside existing settlements, in ways which minimise the impact of such sites and exploits opportunities to make such locations more sustainable. This approach reflects the fact that the availability of sites to accommodate appropriate development in rural areas may be limited, particularly within existing settlements.

**Q15** Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

**Q16** Do you have any other comments on the text of chapter 6?

## Chapter 7 Ensuring the vitality of town centres

**The revised text incorporates these new policy proposals:**

Paragraph 86d clarifies that in allocating sites to meet the need for town centre uses, policies should look at least ten years ahead (though not necessarily over the full plan period, if longer, given uncertainty in forecasting long-term retail trends). It also provides that town centre boundaries should be kept under review so that identified needs for town centre uses can be accommodated, recognising that it is difficult for retail forecasts to look beyond ten years. Where town centres are in decline, the text (at paragraph 86g) has been expanded to provide a clearer policy approach.

Changes have also been made to policy on planning applications for town centre uses. Paragraph 87 amends the 'sequential approach' to planning applications, so that out of centre sites should be considered only if suitable town centre or edge of centre sites are

unavailable or not expected to become available within a reasonable period. This addition makes clear that suitable town centre or edge of centre sites do not have to be available immediately, in order to avoid prejudicing town centre or edge of centre sites that are in the pipeline but not available straight away.

Paragraph 90 removes the expectation that office developments outside town centres are subject to an impact assessment, where the development is over a certain floorspace threshold. This change has been made as the Government considers that the approach to offices is covered sufficiently by the sequential approach, and is aware that there is no generally accepted or used method for assessing office impacts.

**Q17** Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

**Q18** Do you have any other comments on the text of Chapter 7?

## Chapter 8 Promoting healthy and safe communities

**The revised text reflects these previous announcements or consultation proposals:**

Paragraph 94 reflects the housing White Paper proposal that policies and decisions should consider the social and economic benefits of estate regeneration, and that authorities should use their planning powers to help deliver estate regeneration to a high standard.

**The revised text also proposes these policy changes:**

Paragraph 92 gives additional recognition to the role that planning can play in promoting social interaction and healthy lifestyles. Paragraph 96 introduces new policy on the ways in which planning policies and decisions can help to counter malicious or natural threats, especially in crowded places and should take into account wider defence and security requirements.

**Q19** Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

**Q20** Do you have any other comments the text of Chapter 8?

## Chapter 9 Promoting sustainable transport

### **The revised text reflects these previous announcements or consultation proposals:**

Paragraph 103b reflects the housing White Paper proposal that authorities should be expected to identify additional development opportunities arising from strategic infrastructure investment.

Paragraph 107 incorporates the Written Ministerial Statement of 25 March 2015 on parking standards.

### **The revised text also proposes these policy changes:**

This chapter has been substantially revised to improve its structure. As part of this, a new introduction explains the variety of ways in which transport should be considered as part of the planning process, so that transport issues are recognised and addressed as fully as possible.

Paragraph 105f sets out new policy to recognise the importance of maintaining a national network of general aviation facilities.

Policy on assessing the transport impact of proposals (now at paragraphs 108-110) has been amended to refer to highway safety as well as capacity and congestion in order to make it clear that we expect that designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport (so far as possible) as well as to reflect the importance of creating well-designed places.

**Q21** Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

**Q22** Do you agree with the policy change that recognises the importance of general aviation facilities?

**Q23** Do you have any other comments on the text of Chapter 9?

## Chapter 10 Supporting high quality communications

**The revised text reflects these previous announcements or consultation proposals:**

Paragraph 112 indicates that plan policies should set out expectations in relation to the delivery of high quality digital infrastructure, which provides access to services from a range of providers. This reflects Government's support for the further expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections, and the role that planning can play in this alongside other regulatory frameworks.

**Q24** Do you have any comments on the text of Chapter 10?

## Chapter 11 Making effective use of land

**The revised text reflects these previous announcements or consultation proposals:**

This chapter combines existing policy with a number of proposals from the housing White Paper or and previous consultations. The housing White Paper proposals include:

- a) expecting plans to have a clear strategy for using land (paragraph 117);
- b) making more intensive use of existing land and buildings (paragraph 118d-e);
- c) avoiding building homes at low densities in areas of high demand, and pursuing higher-density housing in accessible locations, while reflecting the character and infrastructure capacity of each area (paragraph 123); and
- d) taking a flexible approach to policies or guidance that could inhibit making effective use of a site – although the proposed policy now refers specifically to daylight and sunlight issues, as these are considered to be the most relevant consideration in this context (paragraph 123c).

The text also reflects the White Paper proposal to give great weight to the value of using suitable brownfield land within settlements for homes (paragraph 118c) – although to give further emphasis this has been amended to substantial weight – and reflects the Written Ministerial Statement of 5 February 2018 on building upwards (paragraph 118e).

**The revised text also proposes these policy changes:**

Budget 2017 set out a number of additional proposals to make more land available for housing, especially in areas of high demand, a number of which are reflected in this chapter. These changes include:

- a) making more effective use of empty space above shops – with the proposed policy widening this to refer to other situations where under-utilised land and buildings could be used more effectively (paragraph 118d);
- b) reallocating land where there is no reasonable prospect of an application coming forward for the allocated use – with the proposed policy also setting out how alternative uses should be considered ahead of a plan review taking place (paragraph 120);
- c) making it easier to convert retail and employment land to housing where this would be a more effective use (paragraph 121); and
- d) expecting minimum density standards to be used in town and city centres and around transport hubs – the proposed policy (paragraph 123a) applying this principle to areas where there is a shortage of land for meeting identified development needs, extending the principle to town centres, and indicating that standards should seek a significant uplift in prevailing densities, unless this would be inappropriate. Paragraph 123b also proposes that minimum densities should be considered in other parts of the plan area.

Building on these changes, paragraph 123c also proposes that local planning authorities should refuse applications which they consider fail to make effective use of land, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

**Q25** Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

**Q26** Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

**Q27** Do you have any other comments on the text of Chapter 11?

## Chapter 12 Achieving well-designed places

**The revised text reflects these previous announcements or consultation proposals:**

Paragraphs 124-125 reflect the White Paper proposals that plans should, at the most appropriate level, set out a clear design vision and expectations, supported by visual tools such as design guides and codes. The revised text also reflects the White Paper proposal that widely accepted assessment frameworks such as Building for Life should form part of the 'toolkit' used by authorities in assessing design (paragraph 128).

Additional emphasis has been placed on the importance of pre-application discussions in securing good design (paragraph 127). The text also implements the White Paper

proposal that design should not be used as a reason to object to development where the scheme complies with local policies (paragraph 129).

**The revised text also proposes these policy changes:**

As a consequence of the above, the text at paragraph 130 has been revised to make clear that “outstanding or innovative designs” should not be given great weight where they are in conflict with local design policies, or would not be sensitive to their surroundings.

Policy on advertisements has been shortened; the text from the existing Framework which has been deleted will be moved to guidance.

**Q28** Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

**Q29** Do you have any other comments on the text of Chapter 12?

## Chapter 13 Protecting the Green Belt

**The revised text reflects these previous announcements or consultation proposals:**

The Framework maintains the strong protections of the Green Belt and retains a high bar before Green Belt land may be released. Paragraphs 136-137 implement the housing White Paper proposals that certain criteria should be satisfied before ‘exceptional circumstances’ are used to change Green Belt boundaries, and that where Green Belt is released first consideration should be given to land which has been previously-developed or which is well-served by public transport.

The housing White Paper also proposed a number of other changes to Green Belt policy that are reflected in the chapter – to:

- a) make clear that neighbourhood plans may amend detailed Green Belt boundaries, once the need for a Green Belt change has been demonstrated (paragraph 135);
- b) expect policies to set out how the impact of removing land from the Green Belt can be offset (paragraph 137); and
- c) provide that facilities for existing cemeteries, and development brought forward under a Neighbourhood Development Order, should not be regarded as ‘inappropriate development’ (paragraphs 144b and 145f).

**The revised text also proposes these policy changes:**

Paragraph 144g reflects the proposal in the December 2015 consultation to allow brownfield land in the Green Belt to be used for affordable housing, where there is no substantial harm to openness. The proposal broadens the previous proposal to allow brownfield land in the Green Belt to be used for Starter Homes so that, subject to Green Belt protections, all residential developments that contribute to meeting an identified local affordable housing need can use brownfield land, allowing local planning authorities to use this land more flexibly in response to local circumstances.

Current policy allows buildings in the Green Belt in association with uses such as outdoor sport and cemeteries, but does not allow material changes in the use of land for such purposes, even if there would be no harm to openness. To allow a more consistent approach, paragraph 145e provides that material changes of use that preserve openness are not inappropriate development in the Green Belt. In addition, paragraphs 144b and 144f make clear that facilities for burial grounds and allotments, and rural exception sites, are not inappropriate development.

**Q30** Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

**Q31** Do you have any other comments on the text of Chapter 13?

## **Chapter 14 Meeting the challenge of climate change, flooding and coastal change**

**The revised text reflects these previous announcements or consultation proposals:**

This chapter carries forward a number of housing White Paper proposals – to:

- a) refer to the risk of overheating from rising temperatures and makes clear that planning policies should support measures to ensure the future resilience of communities and infrastructure to climate change (paragraph 148);
- b) incorporate the Written Ministerial Statement of 18 June 2015 on wind energy development (paragraph 153b and its accompanying footnote);
- c) clarify that plans should have regard to the cumulative impacts of flood risk, rather than just to or from individual development sites (paragraph 155); and
- d) clarify policy on the exception test that may need to be applied when considering development in locations at risk of flooding (paragraphs 158-162).

Paragraph 149b reflects that local planning authorities are tied to national technical standards, and there is limited scope to extend local ambition. The Clean Growth Strategy sets out the Government's plans for consulting on energy performance standards in Building Regulations later this year. Local authorities can play an important role in improving the energy performance of buildings, in line with the ambitions of the Clean Growth Strategy, and this will be considered further as the Government develops its consultation proposals.

A new paragraph (163) has been added to incorporate the Written Ministerial Statement of 18 December 2014 on sustainable drainage systems (SuDS) in major developments.

**Q32** Do you have any comments on the text of Chapter 14?

**Q33** Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

## Chapter 15 Conserving and enhancing the natural environment

**The revised text reflects these previous announcements or consultation proposals:**

Paragraph 180 implements the housing White Paper proposal, and [the announcement made on 18 January 2018](#), to clarify that the 'agent of change' (or applicant) should be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development, such as live music venues and church bells.

**The revised text also proposes these policy changes:**

This chapter has been updated to align with the 25 Year Environment Plan. It includes additional policy on strengthening existing networks of habitats (paragraph 169) and taking air quality fully into account (paragraph 180), clarifies that development within National Parks and Areas of Outstanding Natural Beauty should be limited (paragraph 170); and also clarifies the implications for policy on areas defined as Heritage Coast (paragraph 171).

Paragraph 173c of the revised Framework strengthens protection for ancient woodland and other irreplaceable habitats, by making clear that development resulting in their loss or deterioration should be wholly exceptional, and maintains a high level of protection for individual aged or veteran trees found outside these areas. This policy strikes a balance between protecting these important natural assets, while allowing development to proceed in the very limited circumstances where it would have significant public benefits, but we



welcome views on this during the consultation period. In particular, we are interested in views on how best to protect aged and veteran trees without preventing those important development schemes which are in the public interest.

**Q34** Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

**Q35** Do you have any other comments on the text of Chapter 15?

## Chapter 16 Conserving and enhancing the historic environment

**The revised text proposes this change:**

Paragraph 182 has been revised to clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value and that this forms part of their significance and should be taken into account.

Paragraph 189 has been revised to clarify that when considering the impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset's conservation irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance .

**Q36** Do you have any comments on the text of Chapter 16?

## Chapter 17 Facilitating the sustainable use of minerals

**The revised text proposes these policy changes:**

This chapter has been shortened slightly, the intention being to incorporate the deleted text in guidance. Additional text on on-shore oil and gas development is included at paragraph 204, which builds on the Written Ministerial Statement of 16 September 2015 to provide clear policy on the issues to be taken into account in planning for and making decisions on this form of development.

As planning for minerals is the responsibility of minerals planning authorities, the Government is interested in views on whether the revised planning policy for minerals that we are consulting on would sit better in a separate document, alongside the Government's

planning policy for waste. In addition, we would welcome views on whether the use of national and sub-national guidelines on future aggregates provision remains a relevant approach in establishing the supply of aggregates to be planned for locally.

- Q37** Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?
- Q38** Do you think that planning policy on minerals would be better contained in a separate document?
- Q39** Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

## Transitional arrangements and consequential changes

### **The revised text proposes these policy changes:**

From the date of publication of the current Framework, it provided that full weight should be given to plan policies adopted prior to the Framework being published and coming into effect, even when there was a limited degree of conflict with the Framework. We do not propose to repeat this particular transitional arrangement for the revised Framework, as we do not consider that the extent of the revisions to national policy justify it.

Transitional arrangements are also proposed which will apply the previous Framework to the examining of plans which are submitted on or before the date which is six months after the date of the publication of the new Framework.

We do not propose to take forward transitional arrangements for the amended 'positively prepared' and 'effective' soundness tests, nor for the introduction of statements of common ground. Although transitional arrangements were consulted on in the *Planning for the right homes in the right places* consultation, the introduction of the statement of common ground as a way of evidencing joint working and the duty to cooperate is not a significant change in practice, and so we do not consider that it requires a transitional period.

The housing White Paper set out transitional arrangements for the application of the presumption in favour of sustainable development as applied through the consequences of the Housing Delivery Test. These step the application from delivery of less than 25% of the housing requirement in 2018 and 45% in 2019. From 2020 it will be introduced from 75%, as announced at Budget 2017.

To reflect the policy on neighbourhood plans set out in the Written Ministerial Statement of 12 December 2016, neighbourhood plans which are more than two years old will also be covered by the policy at paragraph 14 of the revised Framework until 12 December 2018.

**Q40** Do you agree with the proposed transitional arrangements?

The National Planning Policy Framework needs to be read in conjunction with the Planning Policy for Traveller Sites and the Planning Policy for Waste. The Government is considering whether any consequential changes should be made to these documents as a result of the proposed changes to the Framework set out in this document.

**Q41** Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

**Q42** Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

## Glossary

The glossary has been amended to reflect changes throughout the Framework.

**Q43** Do you have any comments on the glossary?

# Going further

The Government is clear that we need to get more homes built. Budget 2017 set out an ambition to put England on track to deliver 300,000 new homes a year. The package set out in the housing White Paper, including the policies we are implementing through the revised Framework, goes a long way to achieving this. But more needs to be done. The Government is considering what further planning reforms could support this ambition.

The use of permitted development rights to create new homes has played a vital part in increasing housing delivery in recent years. Since April 2015, permitted development rights have created over 30,000 new homes through changes of use from offices, agricultural, retail and other buildings. The Government is interested in finding more solutions to making the most of the spaces we have in delivering the homes we need in the right places.

The Written Ministerial Statement of 5 February 2018 made clear that planning policies and decisions should allow the use of airspace above existing residential and commercial premises to create new homes. This approach makes sure that we are using the space we have available efficiently and reduces the need to build out. The Government is exploring what opportunities there are to further support this approach through a new permitted development right for upwards extensions for new homes where existing buildings are lower than the prevailing roofline. This would be subject to engagement with neighbours. A future consultation will seek views on where best this permitted development right should be applied.

The revised Framework recognises the importance of making the most of existing spaces, making clear that plans should seek more intensive use of existing land and buildings and include minimum density standards in town and city centres and around transport hubs. The Government does however recognise that there are locations where meeting needs through more effective use of urban land will not be possible, and in these instances there will be a need to find extra land to deliver the homes needed locally. Where this is the case the Government wants to ensure that these developments deliver the right homes and that the value generated by releasing land is supported by local infrastructure and communities. To this end, the Government is exploring wider measures to support farm diversification and housing in the rural economy.

The Government will continue to explore options for reforming developer contributions. Further information is set out in the separate consultation document, *Supporting housing delivery through developer contributions*.

# About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

## Annex A: Written ministerial statements

The draft Framework reflects the changes to planning policy implemented through the following Written Ministerial Statements since publication of the first Framework in 2012:

Support for small scale developers, custom and self-builders	28 November 2014
Sustainable Drainage Systems	18 December 2014
Starter Homes	2 March 2015
Parking: helping local shops and preventing congestion	25 March 2015
Housing standards: streamlining the system	25 March 2015
Local Planning (which covers onshore wind farms)	18 June 2015
National Planning Policy Framework: technical adjustment	22 July 2015
Green Belt protection and intentional unauthorised development	17 December 2015
Neighbourhood planning	12 December 2016
Extending buildings upwards to create new homes	5 February 2018

19 March 2018

<b>Report of</b>	Assistant Director: Corporate and Policy	<b>Author</b>	Sean Tofts
<b>Title</b>	Consultation Draft Statement of Community Involvement		
<b>Wards affected</b>	All		

## 1. Executive Summary

- 1.1 This report seeks Committee approval to consult with the public on the revised Statement of Community Involvement (SCI). New arrangements for the production of Statements of Community Involvement, which set out policies for involving communities and other interested parties in the preliminary stages of plan-making, will come into force on 31 July 2018. Changes are therefore necessary to this part of the Councils SCI and the opportunity exists to review the existing document as a whole to ensure it remains fit for purpose.

## 2. Recommended Decision

- 2.1 That the Local Plan Committee agrees the Draft Statement of Community Involvement and authorises formal public consultation for a six week period commencing in March 2018; and,
- 2.2 That the results of that consultation be reported to a future meeting of the Local Plan Committee along with any proposed amendments to the content where appropriate with a view to the document being formally adopted.

## 3. Reason for Recommended Decision

- 3.1 The Local Plan Committee is asked to agree consultation on the Draft SCI to ensure that the document is revised to comply with recently updated national guidance.

## 4. Alternative Options

- 4.1 The Council could decide not to update the Statement of Community Involvement but this would conflict with national regulations and may undermine plan making in the borough.
- 4.2 The Council could introduce additional or different changes to those proposed within the Draft SCI.

## 5. Background Information

- 5.1 Regulations under the Neighbourhood Planning Act 2017 were laid before Parliament on 13 December 2017, and, subject to parliamentary procedures will be brought into force in 2018.
- 5.2 These regulations will require all authorities to have up to date plans (and Statements of Community Involvement) and commence the statutory duty for authorities to identify their strategic priorities and the policies to address them. Additional powers are also provided for the Secretary of State to intervene in plan-making where authorities are not planning effectively for the needs of communities.

- 5.3 The regulations introduce a requirement to review Local Plans and Statements of Community Involvement at least every 5 years from adoption. To comply with this, authorities must, every five years from the adoption of the plan/SCI, carry out an assessment of whether it remains relevant and effectively addresses the needs of the local community, or whether it needs updating.
- 5.4 On 21<sup>st</sup> of December 2017 Steve Quartermain, Chief Planner at the now Ministry of Housing, Communities and Local Government (MHCLG) set out forthcoming changes to regulations in relation to SCIs. The emerging regulations have received royal assent and will require local authorities to set out within the SCI policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making: specifically in the exercise of their functions under sections 13 (survey) and 15 (Local Development Scheme) of the Planning and Compulsory Purchase Act 2004. The Quartermain letter is attached to this report as appendix 1.
- 5.5 Currently section 13 (Survey) of the Planning and Compulsory Purchase Act 2004 (as amended) requires Councils to keep under review the matters which may be expected to affect the development of their area or the planning of its development. The amendments to this Section include the requirement for Councils to set out how they will aid Neighbourhood Plan Groups in this process. This has been reflected within the proposed consultation version of the SCI.
- 5.6 Section 15 (Local Development Scheme) of the Planning and Compulsory Purchase Act 2004 (as amended) currently requires Councils to hold and maintain a Local Development Scheme. The amendments to the Section will require the SCI to reflect how the Council will assist Neighbourhood Plan Groups in relation to their plan preparation, timing and process. The appropriate changes are proposed within the consultation draft SCI.
- 5.7 Changes to the Colchester SCI as a result of the fore coming requirements include the following:
- A new chapter with specific regard to Neighbourhood Planning;
  - An concise explanation of Neighbourhood Planning;
  - An explanation of the consultation process in relation to Neighbourhood Plans (including table of time frames);
  - Support and guidance that will be provided by the Council.
- 5.8 The section sets out that the Council will provide support by undertaking the following:
- Explaining the different stages involved with a Neighbourhood Plan.
  - Directing the relevant body towards information relevant to the Neighbourhood Plan.
  - Highlighting potential issues around compliance with the Local Plan and national policy.
  - Providing feedback in the form of comments on draft Neighbourhood Plans.
  - When a Plan is submitted assessing the documents compliance with statutory requirements.
  - Consulting for a minimum of 6 weeks on the submitted neighbourhood plan.
  - Arranging the appointment of the Neighbourhood Plan Examiner.
  - Making arrangements for the referendum and (if approved) for making (adopting) the plan.



- 5.9 To complement this work the Council is currently undertaking preliminary work on producing a comprehensive Neighbourhood Planning Guide for the District. The guidance would include detailed information on the Neighbourhood Planning process and draw on other exemplary guides that have been produced elsewhere, while being bespoke and Colchester Borough focused.
- 5.10 The requirement to update the Colchester SCI to comply with the upcoming regulations has also been taken as an opportunity to ensure that the information in relation to community involvement for the development management process is accurate. Minor amendments have been made to text to ensure the document accurately reflects the current procedures.
- 5.11 While incorporating the required changes to the document by including further guidance on neighbourhood planning the opportunity has been taken to restructure the document to make it clear and concise. The document has also been reformatted to reflect the document style of other Local Plan 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>

## **7. Strategic Plan References**

- 7.1 The Council's Strategic Plan 2018 – 2021 includes a key priority concerning Responsibility. The Statement of Community Involvement provides an opportunity under this theme for residents to get involved in their communities through the planning process.

## **8. Consultation**

- 8.1 It is intended to undertake a six-week public consultation exercise. The Council's website will carry full details of the Draft Document and responses can be made electronically or in writing. All responses will be reported to a subsequent Local Plan Committee meeting and amendments to document content may be proposed as a result.

## **9. Publicity Considerations**

- 9.1 Publicity may result when the report is published as people express their views on how the Council undertakes consultation in relation to planning matters.

## **10. Financial implications**

- 10.1 There are no financial implications for the Council

## **11. Community Safety Implications**

- 11.1 There are no community safety implications for the Council.

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

- 12.1 There are no health and safety implications for the Council.

## **13. Risk Management Implications**

- 13.1 Updating the Statement of Community Involvement will reduce the risk of the Council failing to adhere to the most recent regulations.

## **Appendices**

- Draft Statement of Community Involvement 2018.

## **Background Papers**

- Planning Update Newsletter December 2017
- Chief Planning Officer letter January 2018



# Statement of Community Involvement

**Consultation draft of the Colchester Borough  
Council Statement of Community Involvement**



Tendring Colchester Borders Garden Community  
Concept Framework consultation event.

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## **Summary of consultation draft preparation and the consultation process**

Every council has to publish a document called a Statement of Community Involvement (SCI) which lets residents and businesses in the area know how they can get involved in local planning issues.

This document is a consultation draft of our 2018 SCI. We are consulting on this draft because we would like you to tell us how we can improve the way the Council engages with you in its plan-making responsibilities and the way it consults on planning applications. Within this draft document we have set out ways in which we will let you know about new planning documents and planning applications and we have also set out the ways in which you can get involved in these processes. Please let us know which of these will work well for you and tell us about any other ideas you have as to how we can listen and work together better.

After the consultation period on the draft SCI has finished we will amend the document taking into account the comments received during this consultation period. The Council will then adopt the new SCI and consultation on planning policy documents and on planning applications will be carried out in line with the document's content. Currently the Council is looking to adopt the new SCI in the summer of 2018.

# 1. Introduction

## What is a Statement of Community Involvement?

- 1.1 A Statement of Community Involvement (SCI) is a document that Councils are required to produce that sets out what consultation will take place with the community on planning policy documents and planning applications. The document states who the Council will consult with, when and how.

- 1.2 National Planning Practice Guidance states that:

*“Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The Statement of Community Involvement should be published on the local planning authority’s website.”*

(Planning Practice Guidance 15-004-20140306) (06.03.14)

- 1.3 The SCI provides clarity on the extent of community involvement that will take place. It sets out clear consultation procedures and standards that the Council will follow when undertaking consultations on draft planning policy documents and when planning applications are received. This 2018 SCI supersedes the 2013 SCI and has been produced predominantly to reflect changes in national policy and legislation. This requirement has also been taken as an opportunity to make the document more concise and user friendly.



## 2. Colchester's Approach

### Planning Policy

- 2.1 Colchester Borough Council attaches great importance to undertaking effective consultation with all stakeholders. The type and coverage of plans has evolved over the years but the overall requirement to ensure wide consultation remains. The NPPF and Localism Act 2011 introduced a new tier of planning called Neighbourhood Plans and provided greater flexibility in the requirements for plan preparation. The continuing source of information and progress on all the Council's planning policy documents continues to be the Local Development Scheme, which is available on the Council's website.
- 2.2 The Local Plan Committee has been established as a sub-committee of Full Council and is open to the public in the same way as other formal council committees. The Committee has responsibility for guiding the Local Plan process and takes decisions on the various documents to be produced. As part of this process they will take account of all consultations.
- 2.3 The shared strategic Section 1 Local Plan for North Essex includes proposals for three cross boundary Garden Communities; two of which are partially within the Colchester Borough. The Council is committed to producing a separate development plan document (DPD) for each of these Garden Communities. The consultations for the Garden Community plans will need to have regard to the Colchester Borough SCI as well as the SCI's of Braintree and Tendring, where appropriate.
- 2.4 As part of involving the community in the preparation of planning policy documents Colchester Borough Council will maintain an up to date consultation database so that any individual or organisation who wishes to be informed of the progress of planning policy documents is directly consulted when a document is consulted on. Further information on how the Council will work with the community on planning policy documents is set out in Part 1 of this document. Anyone wishing to be added to the database can do so by emailing [planning.policy@colchester.gov.uk](mailto:planning.policy@colchester.gov.uk).
- 2.5 Once consultation has taken place on draft planning policy documents, a consultation summary will be produced which will summarise the key points made and provide a response to the issues raised before the document is finalised. This will be published on the Council's website alongside the accompanying committee report.

### Duty to Cooperate

- 2.6 As part of the statutory Duty to Cooperate, neighbouring councils and other relevant organisations must work together on strategic planning issues that affect them all. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Colchester Borough Council will work together on strategic planning issues with the organisations shown in the following table.



<b>Duty to Cooperate Consultees</b>	
	Office of Rail and Road
Environment Agency	Highways Agencies
Historic England	Integrated Transport Authorities
Natural England	Highway Authorities
Civil Aviation Authority	Marine Management Organisation
Homes and Communities Agency	Local Enterprise Partnerships
Clinical Commissioning Groups	Neighbouring Local Authorities
NHS England	Essex County Council

*Table One – Duty to Cooperate Consultees*

- 2.7 In addition to the above, the Council is required to consult ‘specific’ and ‘general’ consultation bodies and other consultees including the community, neighbourhood plan groups, businesses and third sector groups. The following list of organisations will be informed of any consultation being undertaken, as appropriate.

<b>Specific Consultation Bodies</b>	<b>General Consulting Bodies</b>
Neighbouring Local Authorities	Voluntary Bodies
All Parish Councils within and adjoining the boundary of Colchester Borough as appropriate.	Ethnic / Racial / National Groups
Essex Police	Religious Groups and Churches
The Environment Agency	Disabled Groups
Historic England	Local Business Support Agencies
Natural England	<b>Other Consultees</b>
The Secretary of State for Transport	Health Agencies
Electronic Communication Providers	Learning Agencies
Telephone Operators	Schools
Electricity Suppliers	Transport Bodies and Groups
Gas undertakers	Sports Clubs
Sewage Undertakers	Recreation Bodies
The Homes and Communities Agency	Infrastructure and Service Providers
The Ministry of Housing, Communities and Local Government	Design, Town Planning, Conservation and Landscape and Nature Conservation Bodies
Marine Management Organisations	Environmental Groups
Network Rail	Planning Consultants and Agents
Highways England	The Development Industry
Public Health England	Other miscellaneous bodies.
Electricity and Gas Suppliers	
Sport England	

*Table Two – Wider Consultees*

- 2.8 The Council will make sufficient resources available in order to meet its statutory responsibilities and the procedures and standards contained within this SCI.

## **Planning Applications**

- 2.9 As part of notifying the community when a planning application is received, the Council will ensure there is appropriate publicity to enable members of the public to comment on proposals. Further information on how the Council will consult on planning applications is set out in Part 2 of this SCI.

### 3. Development Plans

- 3.1 Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004. The previous SCI referred only to Local Plans under this section, however the new shared strategic Section 1 Local Plan for North Essex includes proposals for three cross boundary Garden Communities. The Garden Community DPDs and the Local Plan are all classed as Development Plan Documents (DPDs).
- 3.2 The Borough also has several adopted and emerging Neighbourhood Plans. A Neighbourhood Plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan for the Borough.

#### Local Plan

- 3.3 The Local Plan is the main planning policy document produced by the Council; it contains policies to guide the development of an area and includes allocations that indicate where development will take place (normally over a 15 year period from the adoption of the Plan). As required by national planning policy, the Local Plan should be drawn up by the local planning authority in consultation with the community. It will be reviewed every 5 years in part or in full.
- 3.4 The Local Plan forms part of the Development Plan (along with 'made' Neighbourhood Plans and Garden Community DPDs where appropriate). Planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

#### Garden Community DPDs

- 3.5 The Garden Community DPDs that the Councils are currently producing will contain strategies, policies and proposals to guide their development. The DPDs, once adopted by the Council, will include the location and scale of land uses alongside the required infrastructure. As with the Council's Local Plan, the DPDs will be reviewed at 5 year intervals, this process will be subject to the appropriate public consultation.

## Consultation Methods

- 3.7 The following table sets out a summary of the consultation stages and methods that Colchester Borough Council will use when consulting on development plans (the Local Plan and DPDs). Alongside the development plans, the relevant Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) will also be consulted upon. Please see section 6 on page 15 for further information on Sustainability Appraisals / SEAs.

DPD Plan Stage	Consultation Duration	Consultation Methods
Scoping Consultation or Issues and Options	Minimum of 6 weeks	<p>Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments;</p> <p>Consultation documents available on the Council's website and hard copies available at the Council offices, and libraries, as appropriate, and;</p> <p>Inviting representations on the document through press advertisements/articles and notice on the Council's website.</p>
Preferred Options Consultation	Minimum of 6 weeks	
Submission Consultation and Publicity of a plan proposal	Minimum of 6 weeks	

*Table Three – DPD Consultations*

## 4. Neighbourhood Plans and Neighbourhood Development Orders

- 4.1 Neighbourhood Plans, which were introduced by the Localism Act 2011, allow designated groups of local people to prepare statutory development plans for their community, against which planning applications will be assessed.
- 4.2 Neighbourhood Plan Groups can grant planning permission through neighbourhood development orders and community right to build orders for specific development. They can set out planning policies in neighbourhood plans to guide the future development of an area, including identifying sites for new housing or safeguarding parks and playing fields.
- 4.3 Once a neighbourhood plan or order is approved it will be used to guide development and to help decide the outcome of planning applications in the area. The neighbourhood plan or order sits alongside other planning policy and needs to generally conform to local and national planning policy.
- 4.4 The statutory stages in the preparation and review / modification of these documents are set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). From 2018 there is an obligation for local authorities to reflect their policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making within their Statement of Community Involvement : This includes advising on the survey area and the matters which may be expected to affect the development of their area or the planning of its development (Section 13) and plan preparation, timing and process as required in Section 15 (Local Development Scheme).
- 4.5 If a community wishes to simplify the process for allowing development a Neighbourhood Development Order (areas where specified development is permitted without the need to apply for planning permission) or a Community Right to Build Order (permission for small scale community led-schemes) can be implemented. These can be instead of, or in conjunction with, a neighbourhood plan and would result in effectively granting planning permission for certain types of development in specified areas. These orders, however, can't remove the need for other permissions such as Listed Building or Conservation Area consent.
- 4.6 Since Neighbourhood Plans and Orders aren't prepared by the Council; this SCI can't prescribe what methods of community consultation they should follow. The Council will, however, expect these documents to follow wherever possible the general principles and techniques set out in this SCI.

4.7 Paragraph 48 of the Planning Practice Guidance states:

*‘A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in Schedule 1 to the Neighbourhood Planning (General) Regulations 2012 (as amended). Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.’*

4.8 Paragraph 49 of the Planning Practice Guidance states:

*‘A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:*

- is kept fully informed of what is being proposed*
- is able to make their views known throughout the process*
- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- is made aware of how their views have informed the draft neighbourhood plan or Order.’*

4.9 Notwithstanding the aforementioned consultation techniques applied by Neighbourhood Plan Groups the Council itself is required to consult with the public at various stages of the production of Neighbourhood Plans in line with the table shown below:

Neighbourhood Plan Stage	Consultation Duration	Consultation Methods
Neighbourhood Designation Consultation	Minimum of 6 weeks	Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments; Consultation document available on the Council's website and hard copies available at the Council offices, and libraries, as appropriate, and; Inviting representations on the document through press advertisements/articles and notice on the Council's website.
Neighbourhood Forum Designation Consultation	Minimum of 6 weeks	
Submission Consultation and Publicity of a plan proposal	Minimum of 6 weeks	

*Table Four –Local Planning Authority held Neighbourhood Plan Consultations*

## What support do we offer to help prepare or review a neighbourhood plan?

- 4.10 As the local planning authority, Colchester Borough Council (CBC) has a duty to give advice and support to parish councils and neighbourhood plan groups to assist in the preparation of a neighbourhood plan / neighbourhood development order. This specific requirement was set out in a letter to local authorities from Steve Quartermain, Chief Planner at the now Ministry of Housing, Communities and Local Government (MHCLG). The letter sets out forthcoming changes to regulations in relation to neighbourhood planning and SCIs which will come into place this year.
- 4.11 The emerging regulations have received royal assent and will require local authorities to set out within the SCI policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making: including advising on the survey area and the matters which may be expected to affect the development of their area or the planning of its development (Section 13) and plan preparation, timing and process as required in Section 15 (Planning and Compulsory Purchase Act 2004).
- 4.12 In line with the MHCLG letter the Council strongly supports neighbourhood planning and offer the following help throughout the process.

Statutory requirements at the time of Submission of the Neighbourhood Plan including:

- Arranging and paying for the independent examination
- Publicity and hosting of a webpage on the CBC website with information on it in relation to the Neighbourhood Plan examination;
- Make key documents available for viewing in the areas that are affected by the Neighbourhood Plans for example at local libraries as appropriate; and
- Organise an examination venue if required.
- Organising and funding the referendum
- Final Adoption Procedures to “Make” the Plan.

Further advice and guidance:

- Advice and an introductory meeting to discuss your aims and outline the process;
- Contact with a lead officer for your plan, who attends group meetings when appropriate and brings their own and other colleagues' professional experience to assist;
- Advice on engaging with your community and the need to record engagement;
- Advice on site appraisals and how to conduct site assessments;
- Advice on the types of evidence needed to write your plan and whom to consult;
- Review of your draft neighbourhood plan to ensure it meets the basic conditions;
- Guidance and support in relation to seeking specialist expertise and appointing consultants, if appropriate.

## Further guidance and advice

- 4.13 The Council is committed to facilitating the production of Neighbourhood Plans and is currently in the process of creating further documentation that will be available to all interested stakeholders. If you would like to find out more please contact [planning.policy@colchester.gov.uk](mailto:planning.policy@colchester.gov.uk) or visit the planning policy section of the Council's website.

## 5. Supplementary Planning Documents

### What are Supplementary Planning Documents?

- 5.1 Supplementary Planning Documents (SPDs) are intended to explain or provide further detail to policies or site allocations in a Local Plan document. They could take the form of design guides, area development briefs, master plans or issue based documents. They will be used in deciding planning applications and will help the Council defend its decisions at appeals.

### Consultation Methods

- 5.2 When preparing Supplementary Planning Documents the Council will use the following method to engage with the local community:

SPD Stage	Consultation Duration	Consultation Methods
Draft SPD Consultation	Minimum of 6 weeks	Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments;

- 5.3 In addition to the above, the Council will provide details of the progress of emerging Supplementary Planning Documents on its website and within the annual Monitoring Report. SPDs will be reviewed in light of consultation responses and where appropriate amended prior to being considered by Committee for formal adoption.



## 6. Sustainability Appraisals and Strategic Environmental Assessment (SEA)

### What are Sustainability Appraisals / SEA?

- 6.1 Sustainability Appraisal (SA) is a requirement of the Planning and Compulsory Purchase Act 2004, with Strategic Environmental Assessment (SEA) deriving from the European Union Directive 2001/42/EC. It is common and good practice in the UK to combine the two processes into one, which is referred to as Sustainability Appraisal (SA). This process usually incorporates the requirements of the SEA Directive.
- 6.2 The Council is required by law to produce a Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) all development plan documents excluding the Statement of Community Involvement, the Annual Monitoring Report, Supplementary Planning Documents (SPDs) and the Local Development Scheme. Neighbourhood Plans do not need to undertake Sustainability Appraisals. In some circumstances they may require an SEA and in all cases they are required to indicate how they contribute to Sustainable Development.
- 6.3 The Council will consult stakeholders in relation to Sustainability Appraisals/ SEAs alongside the Development Plans to which they pertain. Please see table 3 on page 10 for further information.
- 6.4 The Planning Act 2008 allows Local Planning Authorities to prepare SPDs without undertaking SA/SEA, as long as they screen for the need for a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) of the SPD as it is produced. In light of the 2008 Planning Act, the Councils are required to carry out a screening to ensure that the legal requirements for SA/SEA are met where there are impacts that have not been covered in the appraisal of the parent Development Plan Document (DPD).
- 6.5 The impact of the SPDs will be restricted to relatively specialist topic areas at a local level or site based considerations. Whilst they will help deliver district wide objectives the issues considered do not need to be as comprehensive as for the Local Plan. The SEA Directive suggests a possible exemption of SEA where the plan or programme would be likely not to have significant environmental effects. Appropriate Screening will be undertaken for all SPDs.

## 7. Planning Applications

### Introduction

- 7.1 Involvement of the community and stakeholders at an early stage of the planning application process is of great benefit to the public, organisations, authorities and the applicant themselves. The following section explains how the Council will seek to encourage awareness and involvement in the planning application process, starting with pre-application discussions and continuing through to the planning application stage, and in some cases, the planning appeal stage.

### Before Submitting a Planning Application

- 7.2 Before submitting a planning application applicants are recommended to consult with immediate neighbours and people who may be affected by proposals. For major applications (such as housing schemes of 10 or more dwellings) we strongly recommend additional measures to engage with the local community. Such measures should be proportionate to the scale of the proposed development and could include:
- Consultation events with the local community;
  - Consultation with elected members, town and parish councillors;
  - Making detailed plans available for public view (including online on a website);
  - Press notices/leaflets or letters to nearby residents.
- 7.3 This should be effective in bringing draft proposals to the attention of the public, the local Town or Parish Council and other affected parties and provide opportunity to make comments. The purpose of early discussions between the community and developers is to encourage agreement within the community early on in the process and provide a better chance for schemes to be positively received. This process can benefit both parties. For developers it will ensure that key issues are addressed prior to planning applications being submitted and for the local community it will enable them to have an influence before proposals reach an advanced stage.
- 7.4 It is essential that any community involvement conducted by the developers be tailored to the nature and scale of the proposal. A broad list of consultation and community involvement methods is provided in appendix 2, along with details of when they are most suitable, their advantages and disadvantages, and resource implications.
- 7.5 The Council will expect the applicant to submit details of pre-application consultation as well as an explanation on how responses have been taken into account, alongside their planning application. In some cases it can also be a validation consideration, whereby applications will not be processed unless the Council is satisfied that adequate consultation has been undertaken by the developers.

- 7.6 The Council will engage in pre-application discussions with the developer that are often undertaken in confidence because of the various sensitivities of some schemes at this stage, but discussions are always recorded and are without prejudice to the later application. At this stage, the Council will be in a position to advise developers and help clarify the format, type and level of consultation to be undertaken. The Council has a schedule of charges for preliminary enquiries and pre-application advice. As part of this process we will also seek to engage elected members through our “Early Member Engagement Protocol” wherever this is applicable. This Protocol forms part of the Council’s Constitution and can be read online.
- 7.7 In the case of larger applications the Council operates a Planning Performance Agreement (PPA) approach. Details of the applicable charges are available on the Council’s website. A PPA is an agreement between the Council and applicants to provide a project management framework for major applications that may exceed the 13-week period for the determination of major applications. The PPA sets out the targets agreed by both parties for the levels and types of consultation required, information gathering process, consideration of options and agreement on design issues.

### **Submission of a planning application**

- 7.8 The process of deciding planning applications is often of great public and local interest, and comments on proposals are welcomed. When deciding which applications are classed as major applications and therefore subject to wider community consultation in line with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Government sets out the following criteria:
- Residential developments comprising 10 or more dwellings;
  - A site area of 0.5 hectares or more where the number of dwellings is unknown;
  - Commercial proposals creating more than 1,000 square metres of floor space or on sites of 1 hectare or more; or
  - A change of use application involving the above.
- 7.9 The Government sets targets for the time taken to determine planning applications. These are currently 13 weeks for major applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development then this period will extend to 16 weeks, but this is not common. Before a decision is made, the case officer will prepare a report with a recommendation.
- 7.10 The recommendation will take into account the adopted Development Plan, the National Planning Policy Framework and any comments made by consultees and the public. However, the Council can only take into account comments relating to material planning considerations, which exclude non-planning considerations such as property values, loss of a private view over land, moral objections to development and commercial considerations.

## Major Applications

- 7.11 The level of consultation carried out for all major planning applications, will be determined by the council to ensure that it is appropriate. Statutory advertisements will be used as a means of consultation if required and as laid out in legislation, which means that it may be necessary to publish an advertisement in the newspaper and on a site notice to be displayed at the application site. We also recognise that any involvement will need to encourage participation and social inclusion to ensure that the local community is given every opportunity to influence the process.
- 6.12 A weekly list of all applications received appears on the council's website. Individual letters/emails will be sent in respect of every planning application where neighbouring properties/businesses can be identified. Parish and town councils will be consulted on every application within their parish boundaries. Where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups / Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards.
- 7.13 It is important to note that whilst statutory requirements are met in all instances, the types of discretionary methods used and the length of consultation will need to suit the type of application and therefore the methods listed above are provided as a guideline of how we may consult, but is in no means intended to be prescriptive or exhaustive.

## Other Applications

- 7.14 With regard to all other types of applications, officers will determine the appropriate level of consultation. Individual letters/emails will be sent to neighbouring properties/businesses and/or site notices used. Parish and town councils will be consulted on every application in their parish and where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups / Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards. All the planning applications appear on the website.

## Sources of Information on applications

- 7.15 Information on planning applications can be found in the following places:

### The Planning Register

- 7.16 Applications for planning permission must by law, be entered on a register within 14 days of receipt. Maintaining a planning register is a statutory obligation imposed on the Council by the Town and Country Planning Acts and the information is available for inspection by arrangement during office hours. In Colchester, all applications are held in an electronic format, and the register consists of two parts:
- A register containing details of all current applications for planning permission, including plans and drawings;
  - A register that contains a permanent record of all applications and decisions since 1 July 1948 (including any order made, appeals and their outcome).

7.17 Current planning applications, including plans and drawings and those dating back to the year 2000 can be viewed online using the Colchester Planning website. For those who do not have access to a computer the Council provides appropriate terminals at its Customer Service Centre for public use.

## **Weekly Lists**

7.18 The statutory register does have limitations for general use and accordingly we also produce a weekly list. As the name suggests, this is a list of all new applications registered and decisions made the previous week.

## **Advertising**

7.19 Regulations set out in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Planning (Listed Building and Conservation Areas) Regulations and the Planning (Listed Building and Conservation Areas) Act 1990, state that all planning applications need to be publicised, either by site notice or individual neighbour notification. A press notice and site notice is also required for the following types of application:

- Erection of 10 or more dwellings or site area of 0.5 hectares or more;
- Erection of 1000 square metres of floor space, or site area of 1 hectare or more;
- An application subject of an environmental assessment;
- An application that would affect a right of way, under Part III of the Wildlife and Countryside Act;
- Development affecting listed buildings;
- Development affecting the character or appearance of a conservation area; and
- Departures from the Development Plan.

7.20 These requirements are subject to change and a press notice will only be used where required by legislation.

## **Individual Letters**

7.21 We are aware of the need to provide an effective and efficient service, and to ensure that budgets are closely controlled. It is sometimes difficult to bring together these objectives with widespread public consultation on planning applications. The actual extent of consultation in each case will be determined having regard to the type of development involved.

7.22 Letters will only usually be sent to those properties directly affected by a proposal, which according to the Development Management Procedure Order 2015 is any adjoining owner or occupier. "Adjoining owner or occupier" means any land sharing a common boundary with the application site. Any further consultation will be at the discretion of

the case officer. For example, in the case of rear extensions those to the rear will be consulted whilst those on the opposite side of the road may not be.

## **Parish and Town Councils**

- 7.23 The Council is committed to close working with local representative bodies, as provided within part 8 of the Constitution. We have set up a forum for parish and town council clerks, which is held every two months. Although this is a corporate initiative there is opportunity to report on planning matters on a regular basis.
- 7.24 Planning workshops for Town and Parish Councillors include workshops on subjects including, material considerations, influencing the planning process, enforcement, appeals, planning law, design, legal obligations etc. These are usually held annually, while individual Parishes/Towns can ask for liaison meetings in between if they wish to discuss specific issues.

## **Website**

- 7.25 Our website is increasingly being used as a tool for consultation. The website includes weekly lists of applications received and decisions made. These can be viewed by application number, address or by ward and comments can be sent direct. Committee agendas, reports, S106 agreements, planning enforcement activity and associated notices and a list of current appeals and appeal decisions can also be viewed. The Colchester Planning Online website now allows copies of the application forms, plans and drawings, and consultation comments to be viewed online. All enquiries can be made online, while a number of questions can be answered through self-service information.

## **Procedure for Dealing with Written Representations to Applications**

- 7.26 We currently notify neighbours within a week of registering a planning application and they are given 21 days to reply. All those wishing to comment on an application are encouraged to do so electronically using the Council's 'on-line planning' website. Whilst we will accept written letters and e-mails we will not acknowledge their receipt. Any representation received is redacted and placed on the Council's 'on-line planning' website and is available for viewing by the public. This also allows those people sending such representations to check safe receipt by the Council for themselves.



- 7.27 The Planning Service does not respond in writing to comments about a planning application unless specifically requested, but all comments received are considered by the case officer, which may result in the application being revised. If the scheme is significantly changed or changed in a manner deemed to have a greater impact upon neighbours than the original submission we will try to repeat the consultation allowing, where possible, an extra 7-14 days for further comments (at the discretion of the case officer). Sometimes time constraints mean a shorter period is given for comments on revised plans and sometimes it is not possible to re-consult at all.

## **8. Determination of a planning application**

- 8.1 The receipt of one or more letters of objection will normally result in a major application being determined by committee if it is being recommended for approval or if it is subject to a S106 Agreement.
- 8.2 In the case of all other applications a decision will be made under delegated powers by the Planning Service unless that application has been subject to a 'call-in' by a Councillor. A 'call-in' is subject to a formal process and for it to be triggered automatically a councillor must make a valid request within 25 days of being notified of the application. Anyone can approach their councillor to have an application 'called-in' and thereby determined by the Planning Committee after public debate. It is important to note however that a councillor is not duty bound to request a 'call-in' if asked and should only do so if a material planning consideration is involved and public scrutiny is appropriate. Where an application is being reported to Committee a list of the different material planning considerations raised within the various comments received are summarised in the Committee report. Letters will not be accepted after 5pm on the day before Committee. Once the agenda has been prepared, anything received before 5pm on the day falling 2 days before the day of the committee meeting will be reported on an amendment sheet. Anything received after 5pm on the day falling 2 days before the day of the committee meeting will be reported verbally.
- 8.3 If an application is to be reported to committee this will be stated on the Council's online planning website. The full committee report is available 5 working days before the meeting on the website and in all council offices. Where an application has been subject to a valid 'call-in', the applicant and any person making an electronic submission via the Council's on-line planning web-site will be notified via e-mail of the relevant Committee date, 5 days prior to the meeting.
- 8.4 Public speaking is allowed at the committee comprising one representative speaking against an application and one speaking in support of a proposal. Each speaker is permitted to address the committee for up to 3 minutes. At the Chairman's discretion, and where prior notification has been given, further objectors will be allowed to speak on particularly complex or controversial applications. Usually this will be with a maximum number of 3 speakers for and 3 speakers against any application. Objectors are invited to view the application on-line to obtain a full list of objectors' comments to enable them to co-ordinate a reply in the event that more than one person wishes to speak. Ward Members may also speak on behalf of their electorate and will be allowed up to 5

minutes. When a decision is reached, the website will state whether the application has been approved or refused and hold a full copy of the decision and approved drawings.

- 8.5 Further details on how to comment on planning applications at the Planning Committee can be found in our document 'Have your Say on Planning Applications' which is available on the website. Other relevant information includes "Planning Procedures Code of Practice" which is in Part 5 of The Constitution and is on the Council's website. It sets out general guidelines for borough councillors and council officers who are involved in planning applications and the Planning Committee. The information it contains may help provide background information to applicants and those commenting on the planning process. The Localism Act clarifies the ways in which councillors can be involved in the planning process and play an active part in local discussions.

## 9. Appeals

- 9.1 When an appeal is made against the decision of the Council to refuse an application all previous correspondence is forwarded on to the Planning Inspectorate. Letters/emails are also sent to all those people who had previously been consulted/commented on the application, advising them of the appeal. Further representation can be made direct to the Planning Inspectorate. These procedures comply with the statutory procedures set out in S78 of the Town and Country Planning Act 1990 and the "Procedural Guide: Planning appeals – England" (available online via [www.gov.uk](http://www.gov.uk)).

## 10. Monitoring and review of the Statement of Community Involvement (SCI)

- 10.1 The SCI provides flexibility to allow for appropriate changes in our approach to community involvement. Comments received on the quality or effectiveness of our consultation will be considered and used to inform future practice. If significant changes are required to meet new circumstances or legislation, a review of the Statement of Community Involvement will be undertaken.
- 10.2 Consultation exercises include opportunities for consultees to complete equality monitoring data forms. If completed, this helps us monitor the effectiveness of our policies surrounding equality and diversity and to make changes where required.



# Appendix 1: Further Information

## Legislation

### **The Town and Country Planning (Local Planning) (England) Regulations 2012**

<http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

### **Neighbourhood Planning (General) Regulations 2012**

[http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf)

### **The Town and Country Planning (Development Management Procedure) (England) Order 2015**

<http://www.legislation.gov.uk/ukxi/2015/595/contents/made>

## National Policy/Guidance

### **National Planning Policy Framework and Planning Practice Guidance.**

<http://planningguidance.planningportal.gov.uk/>

### **Plain English Guide to the Planning System**

<https://www.gov.uk/government/publications/plain-english-guide-to-the-planning-system>

### **Planning Aid**

<http://www.rtpi.org.uk/planning-aid/>

### **Planning Portal**

<http://www.planningportal.gov.uk>



For more information please contact the planning policy team  
[planningpolicy@colchester.gov.uk](mailto:planningpolicy@colchester.gov.uk)



Department for  
Communities and  
Local Government

**21 December 2017**

**By email only**

## **Planning Update newsletter**

### **Introduction**

Welcome to the latest version of the Planning Directorate newsletter which brings you up to date with the Government's programme of planning reform. There has been work undertaken across a significant breadth of planning areas which we highlight below.

**Steve Quartermain CBE**  
**Chief Planner**

### **The Budget and Planning Reform**

You will be aware that there were a number of proposals for planning reform announced in last month's Autumn Budget. The full package of proposals can be found on gov.uk [here](#).

We will be consulting on new policy measures alongside a draft of the new National Planning Policy Framework (NPPF) early next year. Full guidance will be published at the same time that the revised NPPF is published before the end of the summer next year.

## Plan making reforms

[Regulations](#) under the Neighbourhood Planning Act 2017 were laid before Parliament on 13 December 2017, and, subject to parliamentary procedures will be brought into force in 2018. These will require all authorities to have up to date plans (and Statements of Community Involvement) and commence the statutory duty for authorities to identify their strategic priorities and the policies to address them. Additional powers are also provided for the Secretary of State to intervene in plan-making where authorities are not planning effectively for the needs of communities. Attention is drawn in particular to the following regulations:

### **Introduction of a requirement for review of Local Development Documents every five years, coming into force on 6 April**

The regulations introduce a requirement to review Local Plans/ Statements of Community Involvement at least every 5 years from adoption. To comply with this authorities must, every five years from the adoption of the plan, carry out an assessment of whether it remains relevant and effectively addresses the needs of the local community, or whether policies need updating. Having carried out this assessment authorities must decide:

- that one or more policies do need updating, and update their Local Development Scheme to set out the timetable for updating their plan, and then update their plan; or
- that their policies do not need updating, and publish their reasons for this decision.

### **Requirement to update content of Statements of Community Involvement (commencement regulations to be made January)**

The regulations also require authorities to set out in their Statements of Community Involvement their policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making: specifically in the exercise of their functions under sections 13 (survey)

and 15 (Local Development Scheme) of the Planning and Compulsory Purchase Act 2004.

The Government response to consultation on implementation of these neighbourhood planning provisions proposed that this would be implemented 12 months from royal assent (i.e. 27<sup>th</sup> April 2018). The coming into force date will be confirmed shortly.

Transitional arrangements will be confirmed which set out how this will be applied to avoid slowing down emerging plans.

### **Updates to neighbourhood planning processes, coming into force on 31 January**

Further [regulations](#) laid on 13 December:

- update notification of planning applications requirements to neighbourhood planning qualifying bodies.
- introduce flexibility into the process for modifying neighbourhood plans that are in force to keep them up-to-date, so the process is proportionate to the changes being proposed.
- facilitate the modification of a neighbourhood area and provide for what is to happen to a neighbourhood development plan or order that is already in force in that area. These regulations come into force on 31 January 2018.

Relevant Planning Practice Guidance will be updated where appropriate in due course.

### **Neighbourhood Planning Support Programme**

Further details regarding the new 2018-22 Neighbourhood Planning Support programme are due to be announced shortly. This programme aims to continue delivering support to communities who are (or are interested in) creating a neighbourhood plan or order, including members of public, community organisations and town and parish councils. The support shall also be available to those replacing and / or modifying an existing neighbourhood plan. It is anticipated that groups

will be able to apply for grants for the next financial year (i.e. issued after 1 April 2018) from February 2018, and be able to apply for related Technical Support packages from April 2018. Further updates can be found [here](#)

## **Planning Delivery Fund**

On 4 December we announced the first part of the new £25 million Planning Delivery Fund, which is aimed at supporting joint working, design quality and innovation. £11 million of this funding is now open to bids for the financial years 2017/18 and 2018/19.

We invite expressions of interest by 11th January 2018 from Local Authorities and third sector organisations (individually or in partnership), under three dedicated funding streams:

- **Joint Working Fund:** to create additional capacity in local authorities for joint working to help achieve their ambitions for growth.
- **Design Quality Fund:** to increase design skills in local authorities and enable the effective use of new technologies to ensure that new development meets the Government's ambitions for quality as well as quantity.
- **Innovation Fund:** to stimulate and support innovation in the way planning services are delivered.

You can find the prospectus, with more details on bidding criteria and how to access the fund, [here](#)

## **Housing Delivery Test**

The Housing White Paper announced the Government's intention to introduce a new Housing Delivery Test (HDT). The Department will publish an illustrative HDT measurement covering the years 2014-15 to 2016-17 next year. To ensure we have an up-to-date record of local plan figures to measure delivery against, we will ask you in the first week of January 2018 to check our records through the Department's new web-

based data collection system, DELTA. Two officers in your team should already be set up on the system. Please do keep an eye out for emails from the DELTA system and [Planning Policy](#) and remember to complete the survey before the deadline.

## **Enhancing the Community Infrastructure Levy**

The Government announced at Budget in November a series of reforms to reforms to the Community Infrastructure Levy (CIL). This includes lifting the restriction on pooling section 106 planning obligations where CIL has been introduced, where the authority is in a low viability area, or where significant development is planned on several large sites. In addition, reforms will speed up the process for local authorities to introduce and revise the Community Infrastructure Levy. The Community Infrastructure Levy will be made more market responsive by indexing rates to changes in house prices, and allowing rates to be set that better reflect increases in land value from one use to another. The Government will also give Combined Authorities and planning joint committees the option to levy Strategic Infrastructure Tariff, similar to the Mayor of London's CIL, to collect funding towards infrastructure. A consultation will be issued in due course.

The Government has also laid an amendment to regulation 128A of the CIL Regulations. [The amendment](#) concerns development that is initially granted planning permission before CIL was implemented, and is then subsequently amended after CIL is introduced. The amendment provides additional clarity to ensure charging authorities calculate CIL liabilities in line with policy intent. It does not change government policy, but strengthens the wording.

## **Local Plan Interventions**

On Thursday 16 November the Secretary of State commenced the formal Local Plan intervention process with 15 local authorities that have recently either failed the duty to cooperate or failed to meet the deadlines set out in their Local Development Schemes, the public timetable that all local planning authorities are required to put in place.

The remaining authorities who are not making progress on their plan-making and fail to publish a plan for consultation, submit a plan to examination or to keep policies in plans up to date should be aware that this is an approach that Ministers have determined will be followed in future. We will thus begin formally considering the case for intervention as deadlines are missed. The full Written Ministerial Statement can be found [here](#). I would like to emphasise that it is a statutory requirement to have a published Local Development Scheme setting out the plan-making timetable for a local authority and for that timetable to be kept up to date.

### **Update on Planning Fee Increase**

Regulations to introduce the 20% increase in planning fees were made on 20<sup>th</sup> December 2017, which means that local planning authorities will be able to start applying the fee increase from 17<sup>th</sup> January 2018. The reference for the Regulations is SI 2017 no.1314

These Regulations will also introduce a new fee of £402 per 0.1 hectare for Permission in Principle applications, the ability for authorities to charge for applications for planning permission following the removal of permitted development rights through Article 4 directions or by condition; and for Mayoral and Urban Development Corporations to charge for providing a pre-application service.

Finally, the Regulations introduce a fee of £96 for prior approval applications to permitted development rights that were introduced in April 2015 and April 2017. These include the rights for the installation of solar PV equipment on non-domestic buildings, the erection of click-and-collect facilities within the land area of a shop, the temporary use of buildings or land for film-making purposes and the provision of temporary school buildings on vacant commercial land for state funded schools.

### **Permitted development rights**



The permitted development right for the change of use from light industrial (B1 (c)) to residential use (C3) came into effect on 1 October 2017. The right allows for the change of use of buildings up to 500sq m, subject to prior approval by the local planning authority. Applications for prior approval must be made on or before 30 September 2020, and the change of use must be completed within three years of the date of prior approval. Details of the legislation can be found [here](#).

## **Compulsory Purchase**

Local authorities have a range of compulsory purchase powers, which can be used to support projects for various purposes, including infrastructure, development and regeneration schemes. On 22 September we brought into force a [package of measures](#) to make the compulsory purchase process clearer, fairer and faster for all. This includes replacing obscurely worded statute and 100 years' of often conflicting case law with a clearer basis for identifying market value, allowing negotiations on compensation to proceed with more speed and certainty.

We have also published a [new model claim form](#), which will make the process of claiming and assessing compulsory purchase compensation simpler and quicker for both claimants and acquiring authorities

## **Brownfield land registers and permission in principle**

The statutory deadline for you to publish your brownfield land register is fast-approaching. An encouraging number of councils have already published their registers, and you should also ensure that you have published yours before 31 December. DCLG will assess progress in January, and it will be important that published registers contain up-to-date information on brownfield land suitable for housing.

In July we published [planning guidance](#), a [data standard](#), and a [template](#), to support local planning authorities in preparing and publishing their registers, and to ensure registers are published in a

consistent and open format which can be aggregated by users of the data.

The brownfield land registers will also be a vehicle for granting [permission in principle](#), a new planning consent route, which will provide early certainty about the location, use, and amount of residential-led development before detailed and often costly development proposals need to be provided.

We have now also laid regulations that enable applications for permission in principle to be made for minor housing-led development. The regulations will come into force on 1 June 2018. We will publish planning guidance to support authorities in due course. The reference for the Regulations is SI 2017 no.1309

If you have any queries please contact DCLG [here](#)

## **Planning statistics**

The latest [DCLG planning application statistics](#), for July to September 2017, were published on 14 December. This is the final quarter for the assessment period for October 2015 and September 2017, against which the performance of local planning authorities in the speed of determining major and non- major applications will be assessed for the 2018 designation round. The current thresholds for the speed of decision making are 60% for majors and 70% for non-majors.

## **Unauthorised development and encampments**

During the debate in the House of Commons on Gypsies and Travellers and Local Communities on 9 October, the Government heard strong views that in spite of a range of powers already in place, unauthorised development and encampments remain a significant issue which causes genuine difficulties for communities. The Government announced that it will consult on the effectiveness of existing powers for dealing with unauthorised development and encampments, and whether reform is

needed. We look forward to hearing your views in response to the consultation which will be published shortly.

### **Support for Local Mineral Authorities dealing with Shale Applications**

On 17 November, the Government published its [‘Shale Exploration – Support for Local Mineral Authorities: Invitation to Bid’](#) prospectus. The prospectus launches the £1.2m shale support funding scheme that seeks to deliver on a proposal in the manifesto by providing expertise, capacity and capability to support mineral planning authorities in their consideration of complex shale applications.

This document sets out how mineral authorities can bid for funding, at defined trigger points in the planning application process, to help them with the processing and consideration of shale planning applications.

### **Planning treatment of electricity storage facilities (such as battery storage systems)**

The Government and Ofgem have published a [response](#) to their Call for Evidence on ‘A smart, flexible energy system’ which reaffirms the Government’s position that electricity storage facilities are a form of generating station. The Government’s position is that such facilities will constitute a Nationally Significant Infrastructure Project (NSIP) requiring development consent (rather than planning permission) if the criteria in section 15 of the Planning Act 2008 apply. Local Planning Authorities should, as applicable, take the Government’s position into account when considering proposed or existing development involving the construction, extension or operation of electricity storage facilities (such as battery storage systems), including where such facilities are co-located with other forms of electricity generation, or sited within existing buildings and/or land previously used for non-electricity related storage purposes.



19 March 2018

<b>Report of</b>	Assistant Director: Corporate and Policy	<b>Author</b>	Vincent Pearce ☎ 282452
<b>Title</b>	Consultation on Proposed New Conservation Area [North Station Road and environs – Colchester Conservation Area no 4] with Associated Character Appraisal & Management Proposals [CCA4]		
<b>Wards affected</b>	Castle		

## 1.0 Executive Summary

- 1.1 This report seeks Committee approval to consult with the public on the Draft Colchester Conservation Area no 4 [North Station Road and environs] Appraisal and Management Proposals Document [CCA4]. The CAA4 analyses the key components that contribute to making the area worthy of designation as a conservation area. Included in the document is an assessment of positive and negative features and key issues. It follows an established format for such documents. The need for such consideration has been triggered by: (i) the emergence of the embryonic North Bridge Conservation Enhancement project, [refurbishing North Bridge and other environmental improvements] for which external funding is being sought, (ii) the initial delivered phases of the 'Fixing the Link' project and (iii) the longstanding objectives within the North Station Road Masterplan. All of these have indicated that the area which retains significant special heritage importance is likely to be under considerable positive pressure for change. In this context it is considered necessary to give additional statutory conservation protection to the area by the designation of a new conservation area.

## 2.0 Recommended Decision

- 2.1 That the Local Plan Committee agrees to the Consultation Draft Colchester Conservation Area Character Appraisal & Management Proposals being subject to formal public consultation for a six-week period; and,
- 2.2 That the results of that consultation be reported to the Local Plan Committee at the earliest opportunity along with any proposed amendments to the content where appropriate with a view to that document being formally agreed to enable the statutory Designation process to be legally pursued.

## 3.0 Reason for Recommended Decision

- 3.1 The Local Plan Committee is asked to agree these recommendations in order that the proposed new CCA4 can ultimately be afforded significant weight as a material planning consideration in the determination of development management decisions.

## 4.0 Alternative Options

- 4.1 The Council could decide not to proceed with designating a Conservation Area but with the potential impending pressure for change the option of doing nothing has been rejected as a recommendation. Such an action would be contrary to the Council's duty under S69 of the Planning (Listed Buildings & Conservation Areas) Act 1990, namely:

*LA's should "from time to time to 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 (para 69 (1) (b) shall designate those areas as conservation areas."*

- 4.2 Additional planning controls within a Designated Conservation Area include restricted permitted development rights when compared to other areas and greater controls over works to trees. Both of these reduce the risk of unacceptable alterations being made and development occurring that might harm the areas special character. Such designation also means that those intending to undertake development requiring planning permission have to provide a heritage appraisal to demonstrate that the proposed development will preserve or enhance the character of the Conservation Area. When considering the merits of any development proposal within a Conservation Area, the Council as local planning authority, must also demonstrate that it has had due regard to heritage considerations when determining such applications.
- 4.3 Officers in proposing the boundaries identified for CCA4 believe them to be logical and comprehensive and sufficient to protect the intrinsic special character of the area. That said the Committee can decide to agree a different conservation area boundary to that proposed here [reduced or enlarged boundaries depending on its own assessment of special character].

## **5.0 Background Information**

- 5.1 The field surveys, condition surveys and associated research for the CCA4 document were undertaken throughout December 2017 and early January 2018.
- 5.2 In undertaking this Appraisal and assessing significance 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 the proposed conservation area 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 the starting point the significance of the proposed Conservation Area can be summarised as:

### **5.2.1 Evidential:**

With its strong collection of listed buildings including hostelryes, houses and shops, it tells us much about how people lived. It reminds us that the area was once outside of the walled town of Colchester and represented the transition between town and countryside. The Town's main cattle market was situated adjacent to the proposed conservation area and that only disappeared in the latter half of the 20th century. It tells us something about local government in that North Bridge represented the upstream extent of the Borough Council's traditional Fishery rights. The Council remains the owner of the bed of the River Colne and still controls the fishery rights. Something that is important to the world famous Colchester

Oyster Industry. It also provides very strong evidence that the impact of non-horse driven transport transformed the appearance of the town and its economic life. It also demonstrates that the need to accommodate the motor car swept much traditional life away along with parts of the old built form of the town.

### **5.2.2 Aesthetic:**

Within the proposed Conservation Area you find 15-17th century buildings now sitting beside 20th century buildings [and in some cases this relationship is not always an easy one]. Being on what was historically (but less so today) a principal road entrance into the Town there survives a number of traditional garages that retain dilute art deco references. These are potentially future redevelopment sites. Some of the newer infill & redevelopment is sensitive and/or of interest in that they are of their time. Elsewhere others are poor examples even of their time.

Just yards off the main spine that is North Station Road is a real hidden gem in the shape of Morten Road [originally described as Morton] with its polite urban cottages which display some outstanding decorative tile work (nunets). There is a real sense of the influence of the arts & crafts movement.

Being part of the evening economy many of the shops and restaurants in North Station Road flaunt a certain amount of brash and garish signage. Whilst this does little to enhance the area it does demonstrate a resilience to the post-2008 economic crisis which in the grander scheme of things has meant that important buildings have not fallen into complete disrepair following an extended period of vacancy. The framework for revival and restoration therefore remains intact.

### **5.2.3 Historical:**

North Station Road represents a timeline going back some 600 years charting the growth of urbanism and the expansion of Colchester. Being on an important route in and out of the town of Colchester it has seen dramatic change and it provides strong evidence as to how the arrival of the railway to the Town in 1843 sparked a period of expansion that has not stopped since. In this one street you can explain the morphology Colchester.

It is a key location that also charts the impact of public transport and later growth of car travel. North Bridge was widened to accommodate trams. It now contains part of a dedicated bus corridor. It was one of the first parts of the borough to experience major highway works in 1933 with the construction of the first by-pass [Colne Bank Avenue].

It has long been a commercial area and continues to fulfil that function.

It also demonstrates how the Victorian philanthropic movement influenced social change within the town. The first publicly funded primary school (survives) the first public swimming pool [open air] (survives but in alternative use) & The Railway Workers Mission with its strong connection to the railway.

### **5.2.4 Communal:**

It reinforces our typical [and perhaps now much rarer to find in reality] view of the traditional local shopping centre. It also reminds us of how modern society has moved on in terms of improved social mobility and opportunity to access recreational facilities. 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.

5.3 North Primary School I still open and provides a direct connection with the past and a very strong foot in the present.

5.4 It also demonstrates not just how an expanding urban area is organised and what price is sometimes paid to accommodate economic growth but also how an area can adapt and yet keep its special character whilst evolving new traits.

### **5.5 Conclusion:**

- 5.5.1 The area is on the cusp of potential largescale change and it is clear that there has been little recent investment in property maintenance and many sites represent redevelopment opportunities. This appraisal has recognised that whilst planned change can be potentially be accommodated if approached sensitively the area is vulnerable and does has special historic and architectural merit worthy of greater statutory protection.
- 5.5.2 The Council believes that the fact that North Station Road functions as a major pedestrian corridor into and out of the Town Centre is something that can bring new energy, investment, public spend and a bright future for this largely commercial area on the edge of the Town Centre.
- 5.5.3 Being a conservation area will draw attention the charms and character of the area and will allow the Council to encourage owners of properties to invest in them. The Council will seek to deliver externally funded enhancement projects to reinforce this desire to re-establish itself as an attraction for visitors and residents alike.
- 5.5.4 The defined proposed Colchester Conservation Area no 4 boundary is a logical extension of the adjacent part of Colchester Conservation Area no 1 which was the first in Colchester. Forty-four years have passed since the designation of CCA1 and much has happened in terms of the historic, architectural, economic and social life of the Town. Much has been lost, altered and/or replaced—the natural cycle of urban expansion, decay and renewal.
- 5.5.5 From Roman times the corridor now occupied by North Station Road was a major access into the Town from the north. North Bridge has in a number of guises been the stepping stone to link town and countryside.
- 5.5.6 The arrival of the railway to Colchester in 1843 triggered gradual urban expansion northwards into open countryside. North Station Road charts that growth and is a fascinating mosaic of buildings from across six centuries. It has managed to retain a strong and vibrant commercial character which must in part be due to its obvious function as a conduit along which people pass in and out of town, many by foot having used buses or trains.
- 5.5.7 Despite much change, some of which has not been particularly sympathetic, it is still easy to visualise its past more picturesque character. The area was important in the recreational life of people of the Town in that it once housed the Town's public open air swimming pool which remains as something of a lost gem as it gradually reverts to nature.
- 5.5.8 The route also has strong links with the growth of the railway in that it housed one of the earliest Railway Worker Missions and Colchester's first publicly funded school was built in what is now John Harper Street. That school remains in almost all its original form when viewed externally. It has also been in the vanguard of highway engineering solutions to accommodating growth and the motor vehicle, not always to its advantage from a townscape perspective, but it is important because of that fact.
- 5.5.9 The Council will build on existing initiatives to promote better interpretation of the history of the area and to sensitively signpost other attractions, destinations and nodes in the wider vicinity
- 5.6 It is proposed to describe the new conservation area as Colchester Conservation Area no.4 to reflect the strong links that it has to the Town Centre although it can be described further as North Station Road and environs.
- 5.7 The existing Colchester Conservation Areas comprise of the following;



- Colchester Conservation Area no 1 includes the historic core of the Town Centre,
- Colchester Conservation Area no 2 includes the western edge of the town centre along and around Lexden Road
- Informally known as Colchester Conservation Area no 3, The Garrison Conservation Area effectively functions as an extension to CCA1 in that it abuts it and effectively extends heritage protection southwards.

## **6.0 Equality, Diversity and Human Rights Implications**

- 6.1 The designation of a conservation area as proposed will not result in adverse impacts in terms of equality, diversity and human rights as every property owner will be consulted in respect of the draft proposal and responses analysed and appropriate mitigation applied in the event of the proposal moving on to the formal designation process.

## **7. Strategic Plan References**

- 7.1 The Council's Strategic Plan 2018 – 2021 includes Opportunity as a key objective and one of the priorities under this theme is to 'promote and enhance Colchester borough's heritage and visitor attractions to increase visitor numbers and to support job creation.'

## **8.0 Consultation**

- 8.1 It is intended to undertake a six-week public consultation exercise. All properties within the proposed conservation area will be individually notified in writing in advance and the consultation process explained. The Council's website will carry full details of the Draft Document and responses can be made electronically or in writing. All responses will be reported to a subsequent Local Plan Committee meeting and amendments to document content may be proposed as a result.

## **9.0 Publicity Considerations**

- 9.1 The publishing of the report and the draft Appraisal may generate publicity for the Council. Although some property owners may feel the designation of a Conservation Area will restrict what they can do to their land/property, on balance the Council should be seen in a positive light for being proactive in publishing the Appraisal and Management Plan.

## **10.0 Financial Implications**

- 10.1 There are no financial implications for the Council

## **11.0 Community Safety, Health and Safety and Risk Management Implications**

- 11.1 None

## **Appendices**

The BCCA4 document

## **Background Papers**

None



# COLCHESTER CONSERVATION AREA no. 4



North Station Road & environs  
[Morten Road, Orchard Road, St Pauls Road (S),  
John Harper Street & former Colne Bank  
open-air swimming pool]

Conservation Area Appraisal

**CONSULTATION DRAFT**





**1. View Southwards Over North Bridge—Towards Colchester Town Centre [CCA no.1]**





## 2. COLCHESTER CONSERVATION AREA no. 4: proposed boundary

Proposed Conservation Area:

**NORTH STATION ROAD & environs:**

Draft Appraisal and Management Plan



3. Former Castle Inn, North Bridge [later Riverside Hotel] - survives today: Listed Grade II

# Proposed Conservation Area:

## **NORTH STATION ROAD & environs:**

### Draft Appraisal and Management Plan Timeline

December 2017	Condition surveys
21 December 2017	Field survey
3 January 2018	Field survey
5 January 2018	First draft
February 2018	Final Draft
March 2018	Presented to Local Plan Committee and approved for public consultation
May & June 2018	Public consultation period [six weeks]
July 2018	Amended final draft
August 2018	Presented to Local Plan Committee and approved for adoption as Planning Guidance
August 2018	Published as Planning Guidance
August 2023	First review date



This document is prepared and produced by:

**Corporate & Policy Services**  
**The PLACE Team**  
**Colchester Borough Council**



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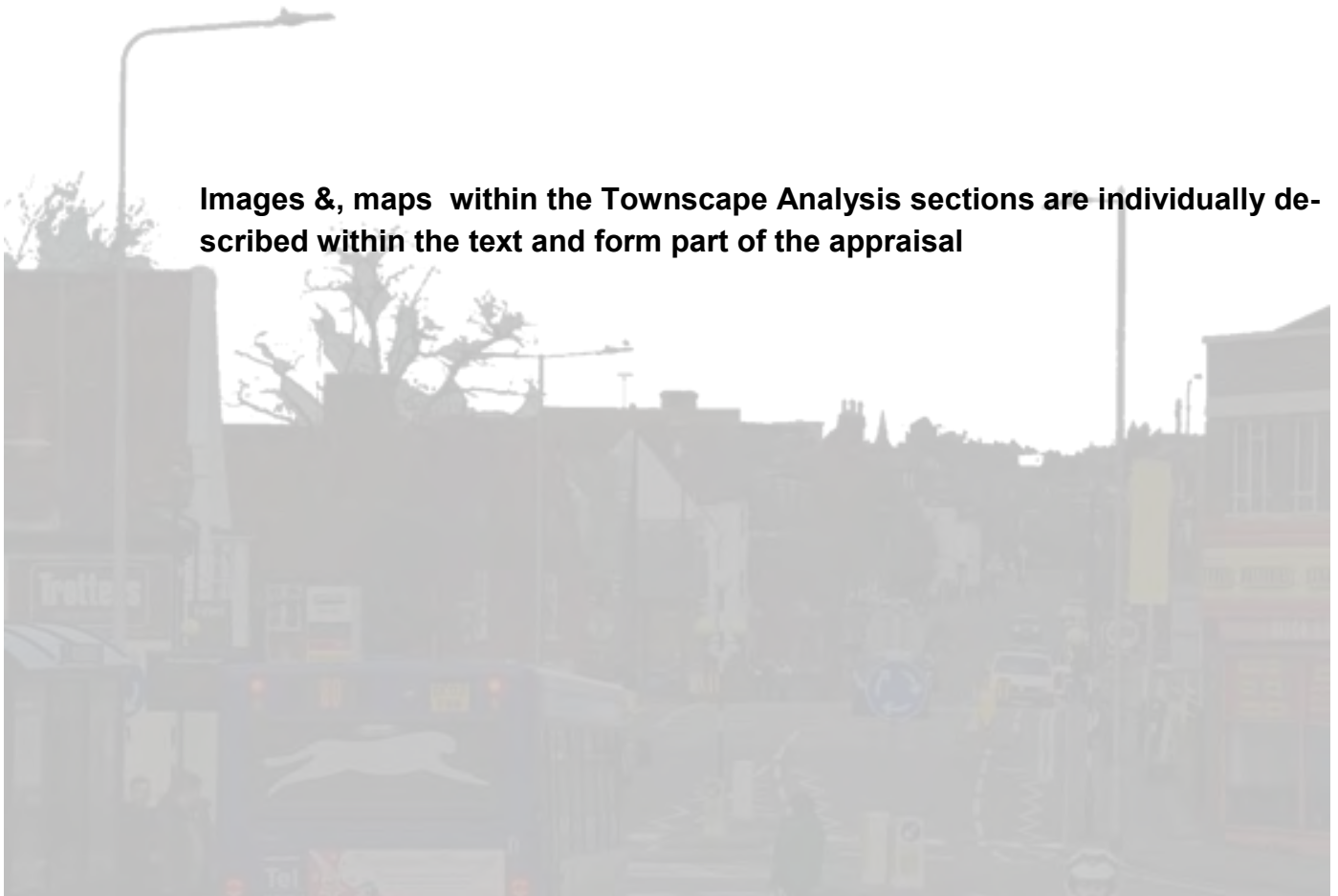
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**Images &, maps within the Townscape Analysis sections are individually described within the text and form part of the appraisal**



4. General Location of North Station Road, Colchester, Essex





North Station Road & environs CA  
[Morten Road, Orchard Road, St Pauls Road (S),  
John Harper Street & former Colne Bank  
open-air swimming pool]

PART ONE: the Appraisal

# A New Conservation Area for North Station Road and Its Environs?

[including a full character appraisal and management proposals]

## 1.0 INTRODUCTION

The purpose of this document is to analyse the architectural and historical merits of the defined area in the form of a character appraisal and to establish whether such character is special enough to justify the additional heritage protection afforded by Statutorily Designated Conservation Area status. The conclusion in this document is that it does, as will be explained.

In this context the equally important aim of this document is to provide a firm basis for taking development management decisions and for developing proposals and initiatives within the conservation area. Once formally and properly designated it is also expected to form a material planning consideration in the determination of planning applications prior to formal designation following statutory public consultation in respect of the Draft Character Appraisal and Management Proposals Document.

This document seeks to

- Trigger the start of the statutory conservation area designation procedure; and,
- Define the special interest of the proposed conservation area and identify the issues which threaten the special qualities of the proposed conservation area (in the form of the “Appraisal”); and,
- Provide guidelines to prevent harm and achieve enhancement (in the form of a “Management Plan”)



Part of the Great War Memorial to Colchester's service and civilian dead



# North Station Road & Environs Conservation Area:

## PART 1: CHARACTER APPRAISAL

### 1.1 POLICY CONTEXT

Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities (para 69 (1) (a) from time to time to 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 (para 69 (1) (b) shall designate those areas as conservation areas.

In response to these statutory requirements, this document defines and records the special architectural and historic interest of proposed Colchester Conservation Area no. 4 [CCA4] [North Station Road and Environs] 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]

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.
- Colchester North Station Masterplan SPD [July 2009]
- Fixing The Link [2017]

CCA4 is not currently subject to any Article 4 Direction/s.

### 1.2 LOCATION and SETTING

Proposed Conservation Area no.4 is drawn around the predominantly but not exclusively commercial properties that line the west and east sides of North Station Road south of the Albert Roundabout. It embraces some 7.6ha of land and is drawn at its proposed southern extent to form a contiguous boundary with part of the northern edge of Colchester Conservation Area No 1. [The Historic Town Centre of Colchester]

It falls within the administrative boundary of Colchester Borough Council within Castle ward.

At its proposed northern edge it is a mere 433m from Colchester's Main Station [Colchester North] and is within easy walking distance of the Town Centre. It provides the principal pedestrian corridor from North Station to the Town Centre. The arrival of the railway in 1843 triggered the northward expansion of Colchester. The historic existence of a once flourishing [now gone] major cattle market at Middleborough also meant that what is now North Station Road was also a busy thoroughfare between Colchester and the villages to the north—such as Mile End. [now known for much of its extent as Myland following creation of the new urban parish with its own Community Council in 1999.

### 1.3 TOPOGRAPHY and LANDSCAPE

The proposed conservation area which for most part is a linear street that runs south-north is bisected in a west –east direction by the River Colne. Historically much of the area along the banks of the River Colne further up and down stream was (and still is) flood plain. Whilst the area within the proposed conservation area is broadly flat land beyond rises towards north station and Myland (beyond its proposed northern extent) and North Hill (beyond its proposed southern extent).

The most significant current positive landscape elements within the townscape of the proposed conservation area are:

(i)

The River Colne and its tree lined banks on both sides of North bridge under which it passes as it gently wends its way towards Middle Mill and Lower Castle Park to the east; and,

(ii)

The former Colne Bank Open Air Swimming Pool which has now become a new watery habitat that continues to be fed by the River Colne. It is something of a green oasis and its tree edged margins provide an attractive addition to the streetscene particularly visible from the two main roads that skirt it in a horse-shoe shape.

It provides a delight to passers-by many of whom are travelling to and fro Colchester from/to North Station [particularly those accessing Colchester Institute and St Helena's School.



**5. Top:Aerial view today Bottom:Colne bank open Air swimming Pool in its heyday**



The once striking avenue of trees that lined North Station Road has unfortunately now largely disappeared leaving behind an almost totally denuded hard-surfaced and sterile public realm save for a miserable handful of mutilated or orphaned survivors of later unsuccessful attempts to enliven the street scene with municipal tree planting.



**6. North Station Road: Circa 1900**



**Same view today**



Much of the proposed conservation area is within a high flood risk zone although parts benefit from flood defences



## 1.4 HISTORICAL DEVELOPMENT

The earliest maps show that settlement along North Street was limited up to the second quarter of the 19<sup>th</sup> century. The Street is not depicted on Speed's 1610 map of the town, which finishes just to north of north bridge. This indicates that settlement was very limited along this road at the time (in comparison, both Magdalene Street and East Street are marked on this map, and are shown densely occupied street frontages. This is confirmed by the Siege Map of 1648, which shows the road without occupation.

Chapman & Andre's map of the town (dating to 1777) shows some properties along the road frontage closest to the river, with gardens and/or orchards to the rear of the buildings and also fronting the road. Similarly, Cole and Roper's 1805 Town Plan shows frontage buildings on both sides of the road closest to the bridge but not further away from the town.

In the 1840s, as shown on the tithe maps for St Peter's, Mile End and Lexden, and also Monson's 1848 map, the street frontage was quite densely occupied. Almost certainly, expansion of the town to the north of the historic walled settlement, along North Street, began in the second quarter of 19<sup>th</sup> century, following the coming of the railway in 1843 and the construction of the main station at the north end of North Street.

By the time of the First Epoch OC County Series 1:2500 (1874-87), the Street frontage was further built up, and new streets had been constructed off and behind the frontage, including Princess Street (W. side), Albert Road (now Causton Road) and Albert Street and also New Street (off Serpentine Walk, subsequently joined up with, and part of Albert Street) on the E. side, within St Peter's parish. However, there were still some areas on open frontage on the west side of the Street.

By the turn of the century, North Street had become North Station Road, shown on the Second Epoch OC County Series 1:2500 (1897-1904), and the street frontage was densely built up, with further expansion to the rear of frontage properties (along Morten Road, Orchard Road and St Paul's Road on the W. side). A school (North Primary School) was constructed at the west end of Princess Street (now John Harper Street).

There was further consolidation in the early decades of the twentieth century (Third Epoch OC County Series 1:2500 (1922-23)) and the Road was densely built up. The tramline was constructed along North Station Road in 1904, up to the station, but it closed in 1929.

The development of the area within the proposed conservation area is considered in more detail within the map extracts that follow.



### 7. Extract from John Speed map 1610 showing North bridge [10].

There was a bridge here from Roman times. In the middle ages there was a suburb on the far side of the bridge. The bridge marked the boundary of the borough jurisdiction over the Colne fishery.



## 8. The Middleburgh' [sic]: James Deane's Plan of Colchester c1748

British Library The Iconography of Colchester



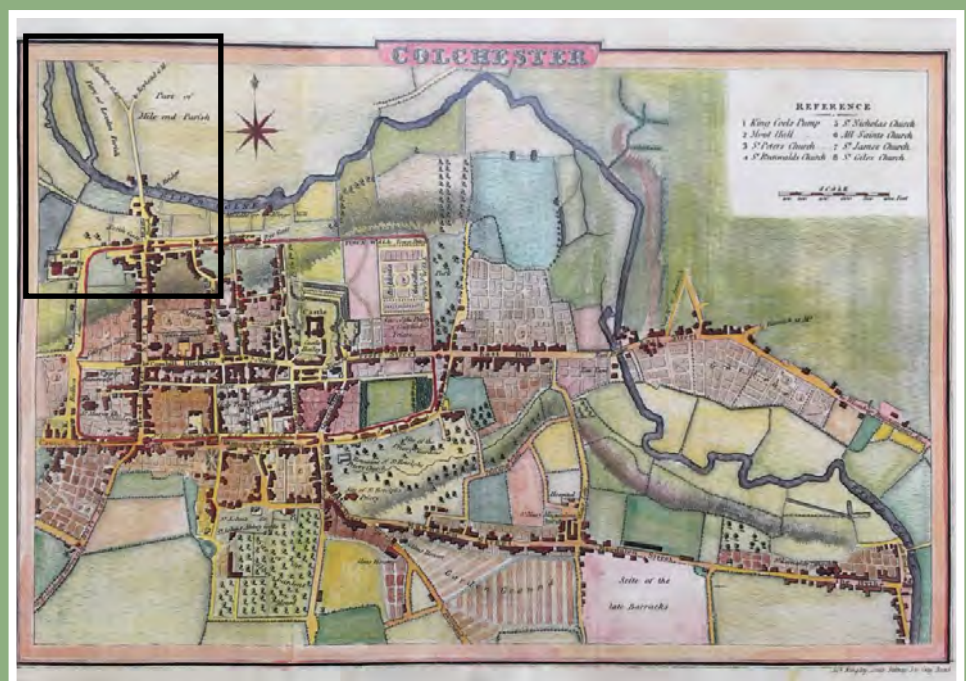
9. 1805

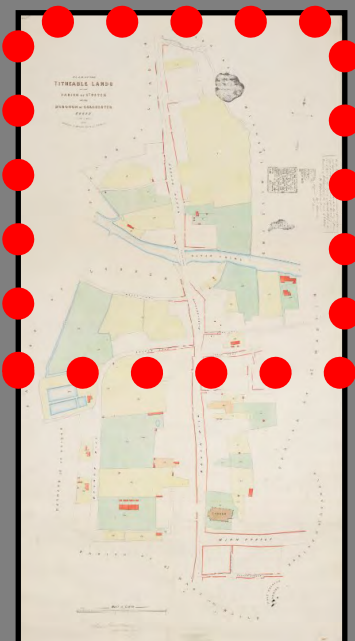
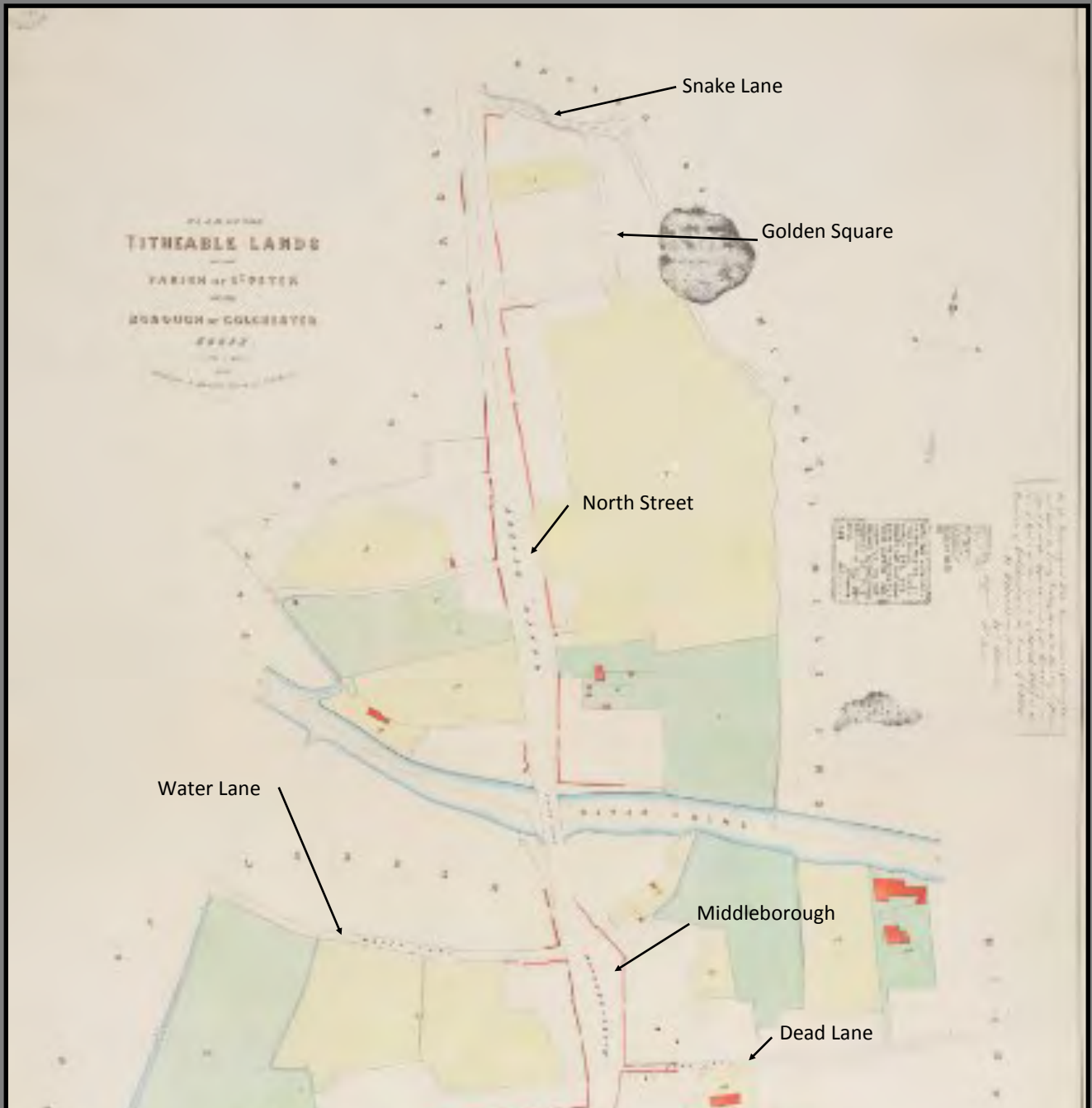
Verner & Hood



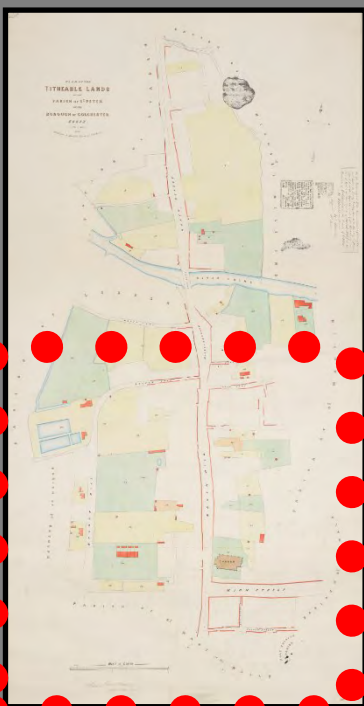


10: 1820





11(1) Tythe Map: 1847  
St Peter's



11(2) Tythe Map: 1847  
St Peter's





**12: OS First Series 6inch  
1870**





**13: OS First Series 1870 larger scale extract**





#### 14. OS six inch Published 1881

Surveyed 1875-1876



# 15. OS: six-inch: Revised 1896, Published 1898

Note the reference to Public Bathing Space within the elbow of the River Colne





## 16. OS Six inch Revised 1920-1921, Published 1924



17. OS. Six inch Revised 1938 published circa 1946





18. Record of planning applications 1948-1973 [on OS 1:1250 map base 1964]

Colchester's first station was opened on 29 March 1843 by the Eastern Counties Railway (ECR) and was named simply as Colchester. Locally, however, it is also known as Colchester North to distinguish it from Colchester Town station. Colchester Town station is closer to the town centre (hence its name). It is the arrival of the railway that triggered the northward expansion of Colchester during the Victorian period

### 19. Colchester Station & Hotel: 1843



The railway line and a representation of Colchester railway station, built in 1843. The station was rebuilt in 1865, and then extensively remodelled and rebuilt in 1894. (Victoria County History).

In the foreground is Essex Hall, Colchester, also built in 1843, intended to be the railway hotel. It was converted in 1850 into an asylum for the mentally handicapped, subsequently (from 1859) becoming the Eastern Counties Asylum for Idiots, Imbeciles and the Feeble-minded, and then the Royal Eastern Counties Institution for Mental Defectives. Closed and demolished in 1985. (Victoria County History, National Archives, Local newspaper article).

"The Colchester Station is about a mile north of the centre of the town. There is a splendid edifice in the Italian style immediately adjoining the station. It was originally intended for an hotel, but not proving a profitable undertaking, it was given up, and is now converted into an Asylum for Idiots. It is built of white brick, with stone dressings, and has a lofty tower commanding beautiful views of the surrounding country, as will be readily surmised from our little sketch annexed."

Image extracted from page 62 of *"The Eastern Counties Railway Illustrated Guide"*, by . Original held and digitised by the British Library. Copied from Flickr. 1851





John Harper was headmaster of North Street School in Colchester when it opened on November 12 1894 – the first in Colchester funded from local taxation. It cost £8,000. Mr Harper remained as head until his retirement in 1922. He died three years later. John Harper Street which is within the proposed conservation area was re-named after this important local figure.

The direct and historic connection that ran from the Town Centre over the River Colne and north to North Station and Mile End was brutally severed by the construction of Colne Bank Avenue which formed part of the Colchester Northern By-pass [1933] (Colne Bank Avenue- Cowdray Avenue). That route has long been absorbed into the urban fabric of Colchester and any semblance of functioning as a by-pass is now long dead.



**21 John Harper**



The next big highway intervention [1980's) to affect the area was the construction of a new connection from the Avenue of Remembrance to North Station Road just to the south of North Station Railway Bridge. (now part of Colne Bank Avenue.

The geometry of the Albert roundabout was altered for a period to allow buses to cross the junction directly through the centre of the roundabout. That experiment soon ceased.

The A134 under North Station railway bridge was widened and extra road lanes formed in the 1990's as part of the Turner Rise retail development which itself replaced a former steeply sloping station car park. Huge quantities of material were removed to create the retail park at a level equivalent to that of the road level at the bridge.

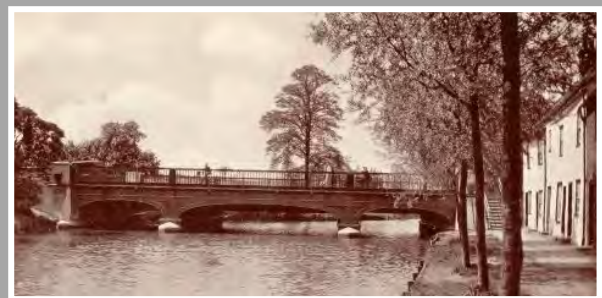
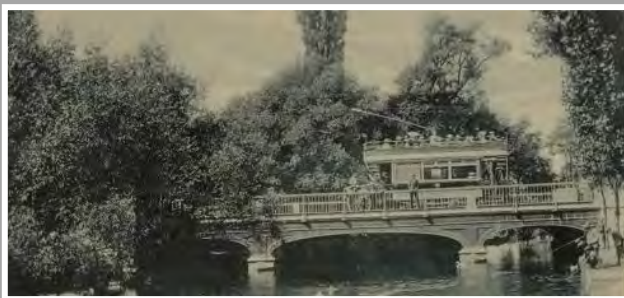
**22. By-pass construction early 1930's**



**23. Experimental roundabout. North Station Bridge [mid 1930's]**



## North Bridge: the proposed conservation area's centrepiece



24. North Bridge at its most picturesque circa 1900



## 26. An historic area that has faced constant transition



Postcard view north along North Station Road Circa 1910.  
Tram outside what became the Riverside Hotel



Today



Albert Roundabout came into operation: Photo 1933 with description "Around the Marble Slabs—The Gyrotary *[sic]* system came into operation at the junction of Colne bank



Today: Much enlarged and landscaped



Demolition of 26-32 North Station Road 1965



Today: Interesting and not unattractive modern infill save for the blocky corner turning element



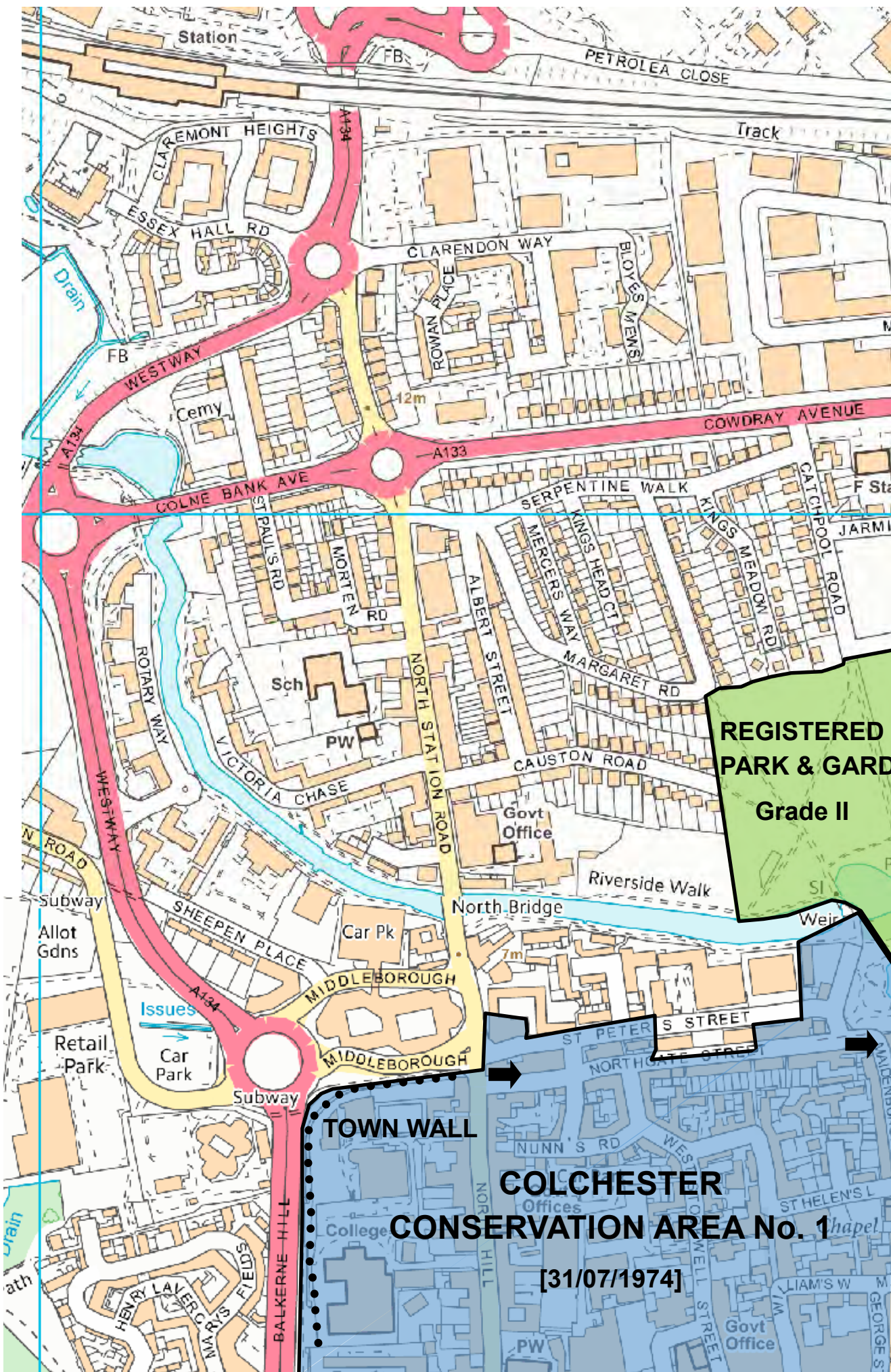
Demolition 1928



Today: Scarcely believable

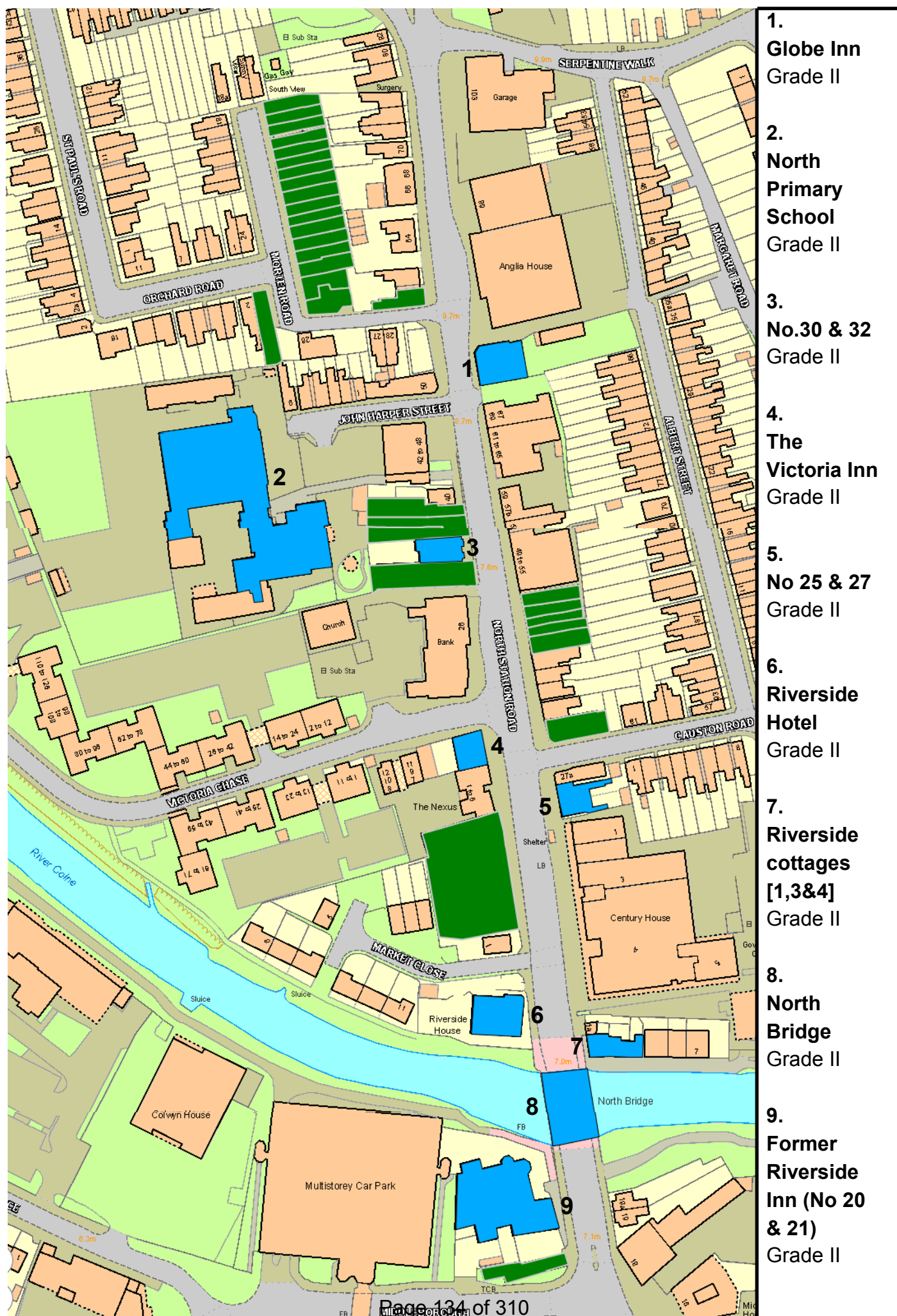


## 1.5 ADJACENT HERITAGE ASSETS





## 1.6 LISTED BUILDINGS [blue]



## 1.7 LISTED BUILDING DESCRIPTIONS

### 1. Globe Inn

Early/mid C19. Plain, 3 storeyed building of painted brick; slated roof with eaves. 4 windows, curved corner and 3 windows to return; strip pilasters; 3 doors with coarse cornice-hoods on brackets.

### 2. North Primary School

Circa 1900 by Goodey and Cressall. Red brick, tiled roof. Single storey. Front has 3 triangular gables; 3 -light windows with round-arched centre; panels of patterned brickwork, Small octagonal tower to north with steep concave roof and lantern. Rear relatively plain. Addition to south.

### 3. No 30 & 32 North Station Road

C18. Brick and rendered. 2 storeys, one window, canted bay below, No 32 has glazing bars, sashes above. Paired panelled doors with panelled reveals. Tiled roof, rebuilt brick stack.

### 4. Victoria Inn

Second half C17, altered early C19 and later. 3 storeys, 2 windows, blind flank. Brick now cemented; hipped, tiled roof with sprocketed eaves and modillion cornice. Central chimney stack partly rebuilt. Sash windows early C19. Door and tiling to ground storey modern.

### 5. No. 25 & 27 North Station Road

Shops, C15 and later. Timber framed and rendered with 2 parallel gabled pantiled roofs, at right angles to frontage. Front elevation of No 25 has 20-pane double hung sash window, on first floor over C20 shopfront. No 27 has C20 two light casement over C20 shopfront. First floor of No 27, now forms ancillary accommodation for No 25. No 27 is former, jettied, 'high-end' cross wing of C15 merchant's house. The south flank wall had a high end bench recess and moulded bressummer, over which survives intact and exposed to interior of 25. The flank wall over has tension bracing (infilling missing) and remnants of 2 windows, one over jetty and one to rear. The cross-wing was formerly of 3 or more bays and has been truncated at rear. No 25 is gabled timber framed structure of C17 or C18 over site of former open hall.

### 6. Former Riverside Hotel (former Castle Inn)

Built in the C17, much altered in the C18, picturesque position on north bank of the river west of North Bridge. 2 storeys and attics, the roofs tiled, 2 gables on the front. 1 C18-C19 oriel bay windows on river side, one facing east.

### 7. Riverside Cottages

Picturesque C17 timber-framed and plastered cottages, restored. On north bank of river east of North Bridge. 2 storeys, tiled and pantiled roofs. Timber framing exposed on the front.

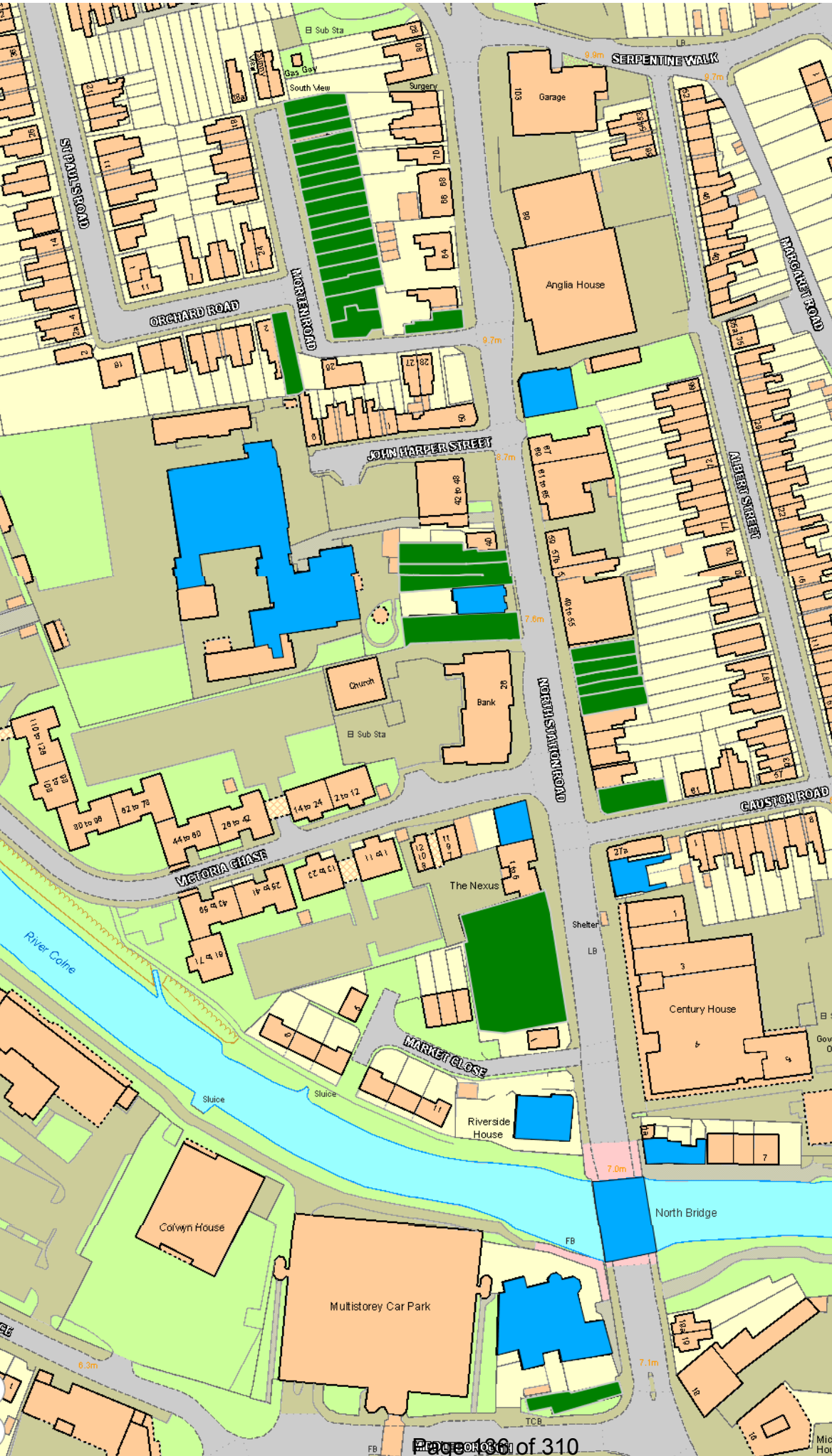
### 8. North Bridge

Road bridge. Plaque on west side shows that it was erected in 1843 when R R Dunn, MD was mayor and a plaque on the east side commemorates the widening of the bridge by 17 feet 6 inches by Henry H Elves, JP, Mayor on 22 October 1903. Cast iron bridge on substructure of brown brick in flemish bond having 3 piers with pointed stone cutwaters. Three cambered cast iron arches with blank spandrels and cast iron balustrading above of 11 sections with arched pattern and buttresses. There are 2 dividing cast iron piers and the ends have cemented brick piers with tooled stone coping. East side has attached flight of stone steps to riverside path with ornamental footscrapers and handrail. Approaches to the bridge have cemented revetments with stone coping and cast iron railings.

### 9. Former Riverside Inn - Bridge House [no 20] & The Moorings [21]

C17 brick house with late Georgian windows, 2 storeys and attics, cellars and tiled roofs. South front has 6-windows range of double hung sashes with glazing bars, segmental heads, pointed heads to glazing bars in upper sashes, ground floor 3-light windows, 4 oval brick panels divide the upper storey into pairs. Brick band. Upper storey Georgian oriel window east side.

1.8 LOCALLY LISTED BUILDINGS [green]



## 1.9 LOCALLY LISTED BUILDINGS :Descriptions

### Colchester Historic Buildings Forum

<http://colchesterhistoricbuildingsforum.org.uk>

#### North Station Road [east side]

##### No 29:

Large gault-brick house. Good corner building. Well preserved with original windows. Late C19.  
*Date:* late C19



##### No.s 39-57

A group of buildings with a strong street value.

No 57. Two-storey brick house. Painted upper storey masks stucco details. Plaque: 2 initials and 1878

Nos 45-47. Two-storey building with peg-tile roof. Timber-framed and C16; includes moulded C16 joists [RS]. Needs investigation

Nos 41-43. Most important building of the group. Pair of brick three-storey houses with slate roof. Each with single window on each floor. Mostly double six-pane sashes with at least one wooden replacement. Frames flush with wall. A vertical band of brick at either side of the facade typical of the period 1825-50. Both ground floors retain their original form, ie no shop fronts. A rare survival of this kind of building which should be protected.  
Nos 39-57 form a group.



##### Nos, 45 & 47

16C structure. Contains moulded beams. [PD]  
[RS] Moulded joists on ground floor of both halves. Probably C16.

[RS]  
[needs investigation]

*Date:* 16th century





## North Station Road [west side]

### No. 28

Currently the Raj Palace restaurant. Two-storey rendered building with peg-tile roof. Timber-frame. Modern shop front. ?C17 or earlier. Needs investigation. Adjacent to listed building nos 30-32. Nos 28-38 form a group.

*Date:* C17 or earlier



### Nos. 34-36

Two-storey building with peg-tile roof. Presumably timber-framed and C17 or earlier. Currently two properties. No 36 (on the right) has a double eight-pane sash window on the first floor. Shop front c 1900. Mock Tudor look of no 34 may reflect something of the original frame. Adjacent to listed building nos 30-32, Nos 28-38 form a group (nos 30-32 is a listed building).

*Date:* C17



### No. 38

Two-storey two-up, two-down red-brick house. Upstairs window (double two-pane sashes) with horns. Brick lintels. Thin stucco cill. Date c 1860-70. Shop front ?Edwardian.

Nos 28-38 form a group (nos 30-32 is a listed building).



### Nos. 60-62

Plaque: 1883. Pair of two-storey semi-detached houses with attics lit by original dormer windows. Red brick with cavity walls. Stucco details: quoins, dentilled eaves, lintels and corbelled cills. Bay windows. Replacement windows detract. Not original railings. Important site.

*Date* c 1890.





## North Station Road [wet side]

### Former Railway Mission Hall

By William Willett, 1896. Stock brick with red brick dressings. Arched windows and doorway, the latter with columns. Gabled front with lettering '1896 RAILWAY MISSION'.

An interesting survival and part of Colchester's railway heritage. The hall was built for the Colchester Branch of the National Railway Mission; contractor, Robert Beaumont of Lexden. Plans in Essex Record Office (D/B 6 Pb3/987); see also 'The Builder', vol. 71 (29 Aug 1896), p. 178. [JB]

*Date:* 1896

## Morten Road

### Nos. 1-17

Well-preserved terrace of two-up, two-down houses. Dates AD 1889 and 1890.

Yellow brick with relief-decorated brick. Double three-pane sash windows. Monogram on wall for builder A Diss.

*Date:* 1889-90

### No. 25

Large well-preserved brick house with original windows and doors. c 1890. Incorporates decorative relief tiles. Corner building with two houses, one in Morten Road (no 25) and the other in Orchard Road (no 2).

*Date:* c 1890



## 1.10 Buildings of Townscape Merit Worthy of Further investigation

### Orchard Road

#### Nos. 12 & 14 .semi-detached pair

2 st. red brick slate roofs, timber marginal sash windows with 6 & 12 pane top sashes. Gabled with timber framed pediment. Slightly projecting oriols gr & 1st adjacent and above front door. Later than Morten Road hints of arts & crafts



#### Nos. 4-10

Terrace of four H-plan arrangement with gabled cross wings at each end. Similar detailing to nos 12 & 14 but altered



**St Paul's Road** (St Paul's Church now demolished and site redeveloped was on the west side of Belle Vue Road.)

A combination of simple polite semi-detached and terraced cottages many with original features..





## 1.11 SUMMARY of SPECIAL INTEREST

A linear street with a strong commercial component with evidence of decay (both commercial and physical) in parts

An eclectic mix and variety of buildings from C15th through to the late 20th century.

Wide but currently unattractive footways with potential for the original avenue plating to be restored.

It is a principal pedestrian corridor into and out of the Town Centre.



It represents a key stage in the expansion of Colchester Town northwards towards outlying villages such as Mile End, following the arrival of the railway to the Town.

One of the first parts of Colchester to experience significant change to its townscape as a result of highway engineering schemes to facilitate the rapid growth in the use of motor cars.



Home to the first primary school in the Town built as a result of local taxation. [1894]. That building remains largely in its original form and is still in use as a primary school.

The area's historic association with the former cattle market at Middleborough.



The grace, delicacy and detailing of North Bridge and the views it affords of the River Colne as it meanders through the Town.



The surprising existence of medieval buildings tucked in amongst Victorian and later development.

The significance of vestiges of built form that illuminate our understanding of how the Town expanded beyond its walled fortification

The insensitive nature of some of the post-war commercial infill development which is redolent of the time when the past was consigned to history and a new optimism and energy demanded a new modern style and approach.

The simple but elegant detailing on Victorian buildings in Morten Road with the use of decorative terracotta tiles, contrasting brick quoins, terracotta decorative plaques, slate roofs and strong walled enclosures.



The predominance of red bricks and slate within Victorian residential streets.

The limited but striking use of gault bricks on prominent corner buildings: Globe Inn and 29 North Station Road. [with its typically quirky gothic tower]



The use of clay plain tiles and dominant chimneys on the pre-Victorian buildings.



### Orchard Road

Pretty semi-detached cottages with elegant marginal window frames





The proposed conservation area has a strong link with the Victorian sense of public wellbeing as evidence by the Colne Bank open air swimming pool [which survives in alternative use] and the Railway Workers Mission hall (which also survives—currently in health related use)



Another key characteristic of the proposed conservation area is the huge potential to encourage the restoration of sensitive shopfronts many of which over the years have been changed for insensitive replacements that mutilate the balance and character of the original building facade.

Some better examples do however survive. Of particular note is the art deco façade and shopfront of no 61-65 [now empty] and the traditional shop-front at no 33.



## **1.12 CHARACTER and APPEARANCE of the CONSERVATION AREA**

### **1.13 TOWNSCAPE ANALYSIS**

The proposed conservation area which is centred on North Station Road can best be described as comprising a wide street lined with largely currently commercial development with a number of narrow, largely Victorian residential side streets.

Buildings, on street parking and vehicles currently dominate with very little landscaping other than for the banks of the River Colne that passes under North Bridge and the former open air swimming pool.

Key components within the townscape have already been described in detail elsewhere in this appraisal and the Appraisal Townscape Map.

### **1.14 Heritage at Risk**

Currently there are no properties within the proposed conservation area on the Essex County Council Buildings at Risk Register [2013]. Clearly as the document is now 4 years out of date it may not represent a true current position.

Currently there are no properties on the Historic England Heritage at Risk Register [2016].

That said the building condition survey included in this appraisal demonstrates that a number of properties are in need of repairs and/or are vacant which increases the risk of deterioration and potential ultimate loss.

### **1.15 NON-LISTED BUILDINGS of TOWNSCAPE MERIT**

Beyond the nine statutorily listed buildings within the conservation area there are numerous buildings on the local list. [please see local list section of this appraisal]

Certainly as a result of this appraisal it is considered that these may warrant statutory listing and in the case of residential properties the application of an Article 4 Direction removing all domestic 'permitted development' [PD] rights.



## 1.16 FOCAL POINTS, VISTAS and VIEWS

### 1.17 Focal Points

Within the proposed conservation area a number of key focal points exist. These are:-

**North Bridge and adjacent listed buildings :** as viewed from (i) both the west and east from the riverside walks (north and south banks of the River Colne), (ii) northwards from North Hill/North Station Road and (iii) in foreground views of the Town Centre from North Station Road (southwards)

**North Primary School:** as viewed (westwards) from North Station Road along John Harper Street and obliquely from the dog leg in Morten Road.

**Victoria Inn & Globe Inn:** both command prominent corner positions along North Station Road and form clear way markers that aid pedestrian legibility

#### **The War Memorial**

The site on the south-east corner of the Albert roundabout junction is an important marker of the Town's war history. Each tree along the Avenue of Remembrance was originally planted to represent the fallen that died in the Great War. Each tree had a plate at its foot with the name of one of the Colchester war dead. As these plates corroded that record was gradually being lost. In the 1980's the Council built a decorative wall on this site upon which each of the names that had previously been on the plates beneath the trees on The Avenue of Remembrance was engraved onto plaques. The plaques name service and civilian dead from Colchester

#### **Former Colne bank Open Air Swimming**

**pool:** viewed principally from Colne Bank Avenue from which views down into the pool area are possible, although tree canopies provide some of the only natural relief within the proposed conservation area.

**Albert Roundabout:** Viewed from the four points of the compass as by its very nature it is a nodal point. Colchester has a rich history of well landscaped roundabouts and these are an attractive feature of the Town.

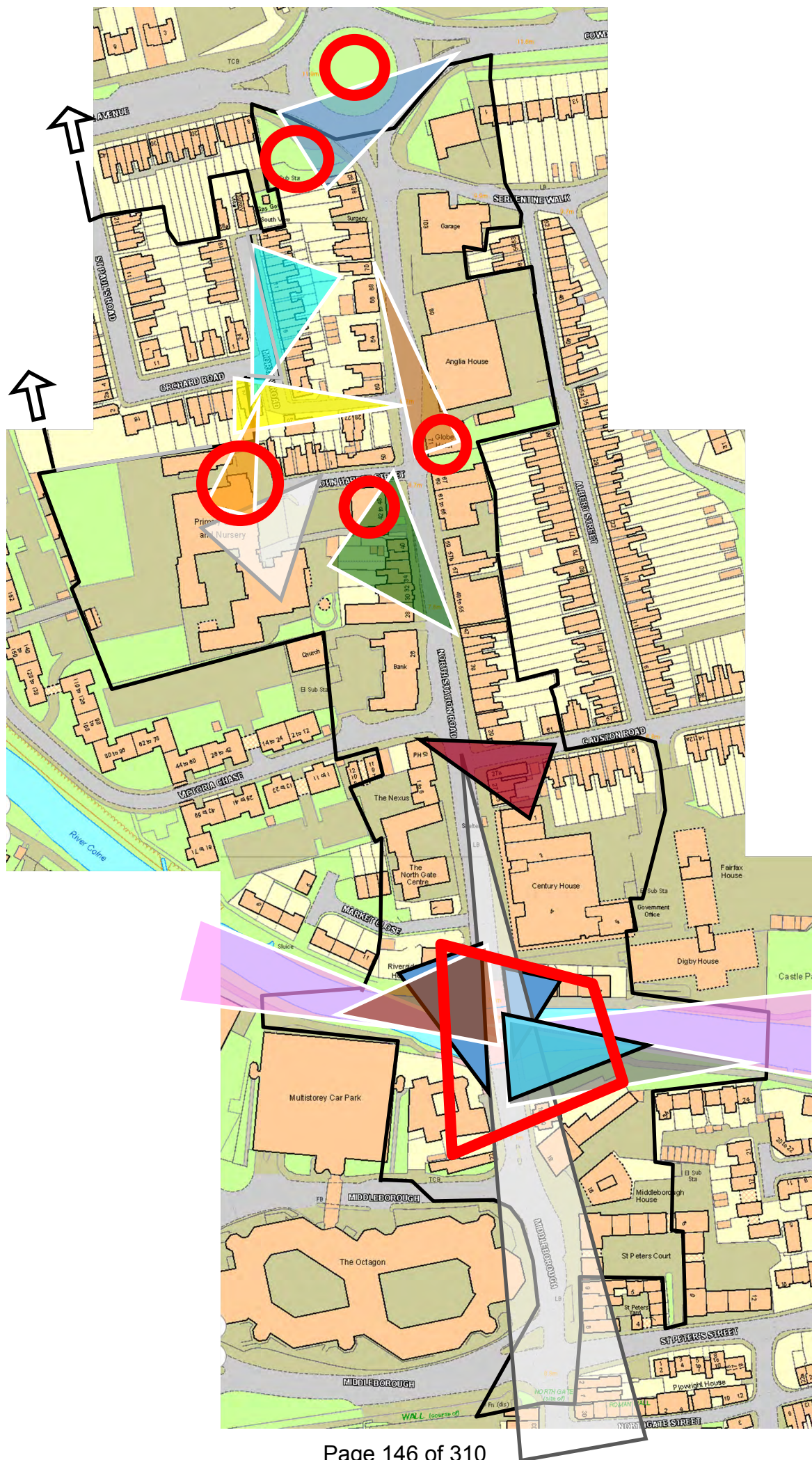
### 1.18 Views and vistas

As the proposed conservation area is essentially linear in nature views and vistas are experienced dynamically as one travels along North Station Road. Although there are a number of important long views [as shown on the following diagram] there are a number of important localised views. That are experienced briefly as one passes.

North Station Road is an important thoroughfare in and out of the Town Centre, particularly for pedestrians who are travelling at speeds which allow for the full appreciation of these viewing opportunities.

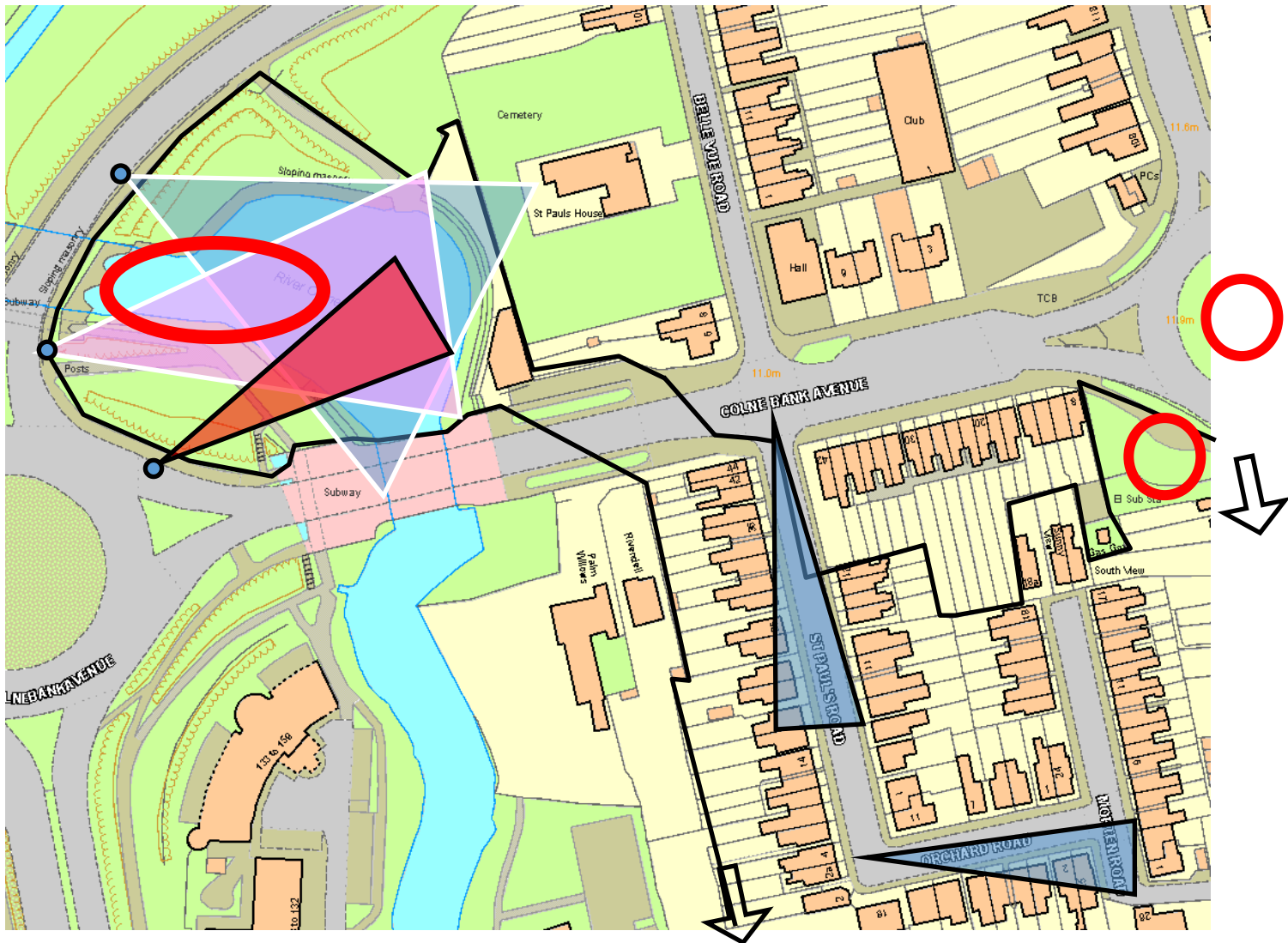
Views from North Bridge are particularly picturesque and they retain their original charm and hint of Colchester from a quieter bygone era.

## 1.19 FOCAL POINTS VIEWS & VISTAs (1)





## 1.20 FOCAL POINTS VIEWS & VISTAS (2)



26. View Northwards from Middleborough

## 1.21 KEY BUILDINGS [Listed]



**Globe Hotel**



**Victoria Inn**



**Riverside Inn**

Currently being converted to an hotel









**North Primary School**



**Nos. 25 & 27**

**The Good, (listed timber-framed buildings), The Bad (the juxtaposition of the 1970's block) and the Ugly (signage all in one photograph)**



**No. 30/32**



## 1.22 Townscape Analysis Map Areas

5

1

2

3

4

Townscape Character Appraisal:

key to analysis maps

1.23 POSITIVE TOWNSCAPE CONTRIBUTIONS: Area 1



1.24 NEGATIVE TOWNSCAPE ELEMENTS: Area 1





## 1.25 TOWNSCAPE / ENHANCEMENT MANAGEMENT PROPOSALS [Area 1]

### A1.1

Clean War Memorial brickwork and plaques and reinforce landscaping.

### A1.2

Encourage the owners of 1 Cowdray Avenue [currently occupied by Majestic] to improve boundary enclosure to mask open parking on this prominent corner.

### A1.3

Encourage owners of 100 North Station Road (Kwik Fit) to appropriately enclose part of their open parking area to improve townscape.

### A1.4

Encourage removal of excessive signage on no 80 North Station Road

### A1.5

Encourage local highway authority to improve appearance of pavement between 60 and 82 North Station Road

### A1.6

Serve Discontinuance Notice to remove the three unsightly 48 poster panel hoardings and the landscaping of the site as open space. [this is ultimately a development site]

### A1.7

Discuss with the local highway authority amending the massive highway directional sign to reduce its harmful visual impact on the character of the conservation area without prejudicing highway safety

### A1.8

Encourage local highway authority to use conservation style road linings in CCA4

### A1.9

Encourage removal of air conditioning plant on external face of Globe Hotel and the rationalisation of unsightly drainage pipes



[illegible]

The map shows a street layout with buildings and green spaces. Key features include:

- Streets:** JOHN HARPER STREET (top), NORTH STATION ROAD (right, highlighted in blue), and a road on the left with a zoom-in (+) and zoom-out (-) button.
- Buildings and Landmarks:**
  - North Primary School and Nursery (large orange building on the left).
  - Bank (orange building on the right).
  - Church (orange building on the right).
  - Sub Sta (orange building on the right).
  - Residential buildings with addresses: 42 to 48, 40, 30, 32, 34, 28, 26, 39, 29, 27a, 11, 9, 12, 6, 89, 67, 61 to 65, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545, 547, 549, 551, 553, 555, 557, 559, 561, 563, 565, 567, 569, 571, 573, 575, 577, 579, 581, 583, 585, 587, 589, 591, 593, 595, 597, 599, 601, 603, 605, 607, 609, 611, 613, 615, 617, 619, 621, 623, 625, 627, 629, 631, 633, 635, 637, 639, 641, 643, 645, 647, 649, 651, 653, 655, 657, 659, 661, 663, 665, 667, 669, 671, 673, 675, 677, 679, 681, 683, 685, 687, 689, 691, 693, 695, 697, 699, 701, 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, 725, 727, 729, 731, 733, 735, 737, 739, 741, 743, 745, 747, 749, 751, 753, 755, 757, 759, 761, 763, 765, 767, 769, 771, 773, 775, 777, 779, 781, 783, 785, 787, 789, 791, 793, 795, 797, 799, 801, 803, 805, 807, 809, 811, 813, 815, 817, 819, 821, 823, 825, 827, 829, 831, 833, 835, 837, 839, 841, 843, 845, 847, 849, 851, 853, 855, 857, 859, 861, 863, 865, 867, 869, 871, 873, 875, 877, 879, 881, 883, 885, 887, 889, 891, 893, 895, 897, 899, 901, 903, 905, 907, 909, 911, 913, 915, 917, 919, 921, 923, 925, 927, 929, 931, 933, 935, 937, 939, 941, 943, 945, 947, 949, 951, 953, 955, 957, 959, 961, 963, 965, 967, 969, 971, 973, 975, 977, 979, 981, 983, 985, 987, 989, 991, 993, 995, 997, 999.
- Legend:**
  - valuable tree (represented by a green circle)
  - poor shopfronts (represented by a series of dots)
- Other Features:**
  - A green star is located on the right side of the map.
  - Distances 8.7m and 7.6m are marked along the roads.



## 1.28 TOWNSCAPE / ENHANCEMENT MANAGEMENT PROPOSALS [Area 2]

### A2.1

Encourage local highway authority to improve appearance of pavement and quality of public realm between 29 and 69.

### A2.2

Introduce the planting of appropriate tree species into the street o re-establish the original tree-lined character of North Station Road.

### A2.6

Generic objective to enhance shopfronts in line with adopted Shopfront Guidance SPD.

### A2.7

Generic objective to reduce excessive and extraneous shop signage.



Endless safety railings and  
brash signage



Cluttered street furniture

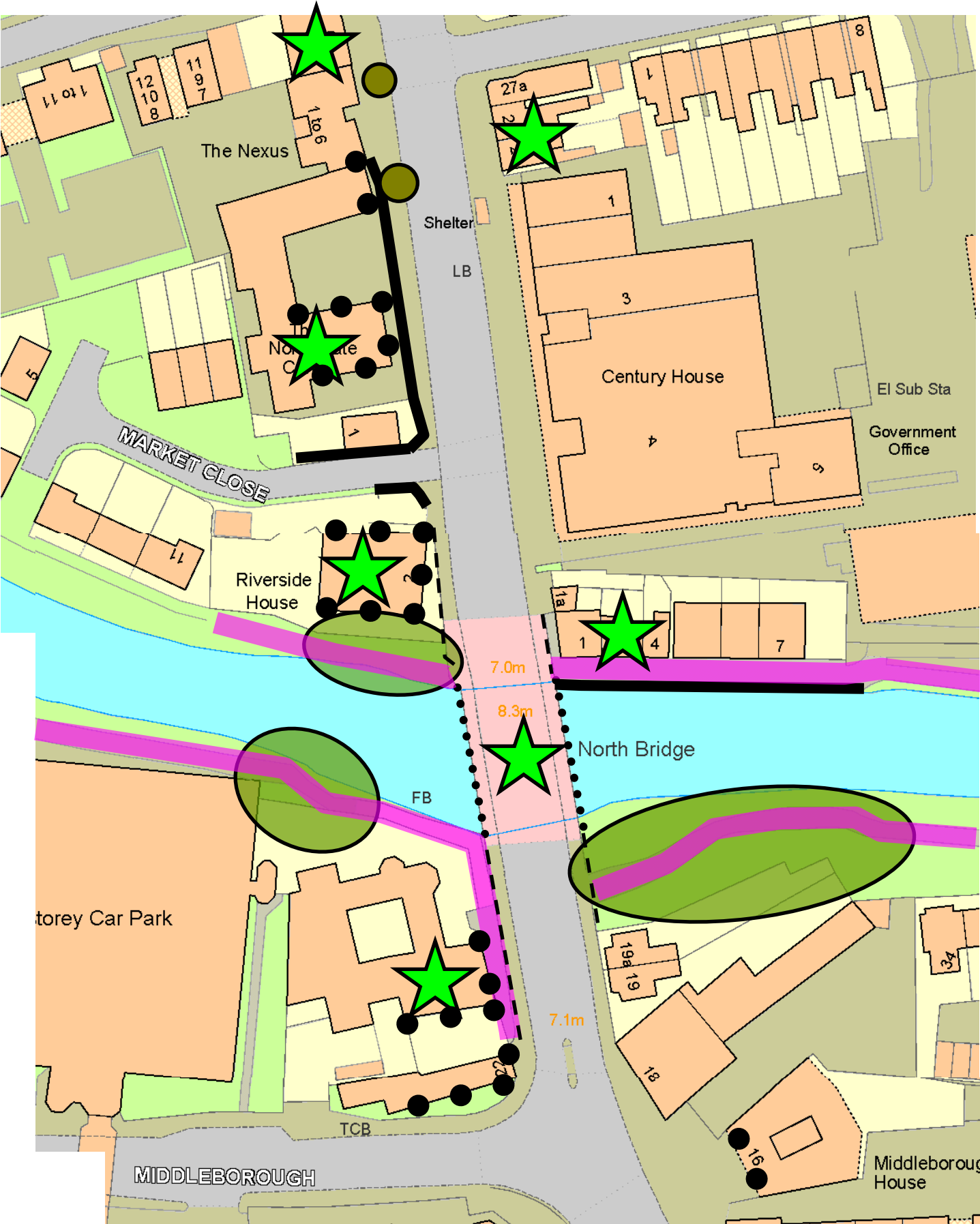


Wide sterile tarmac pavement

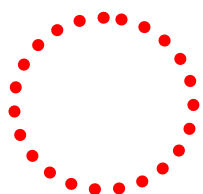
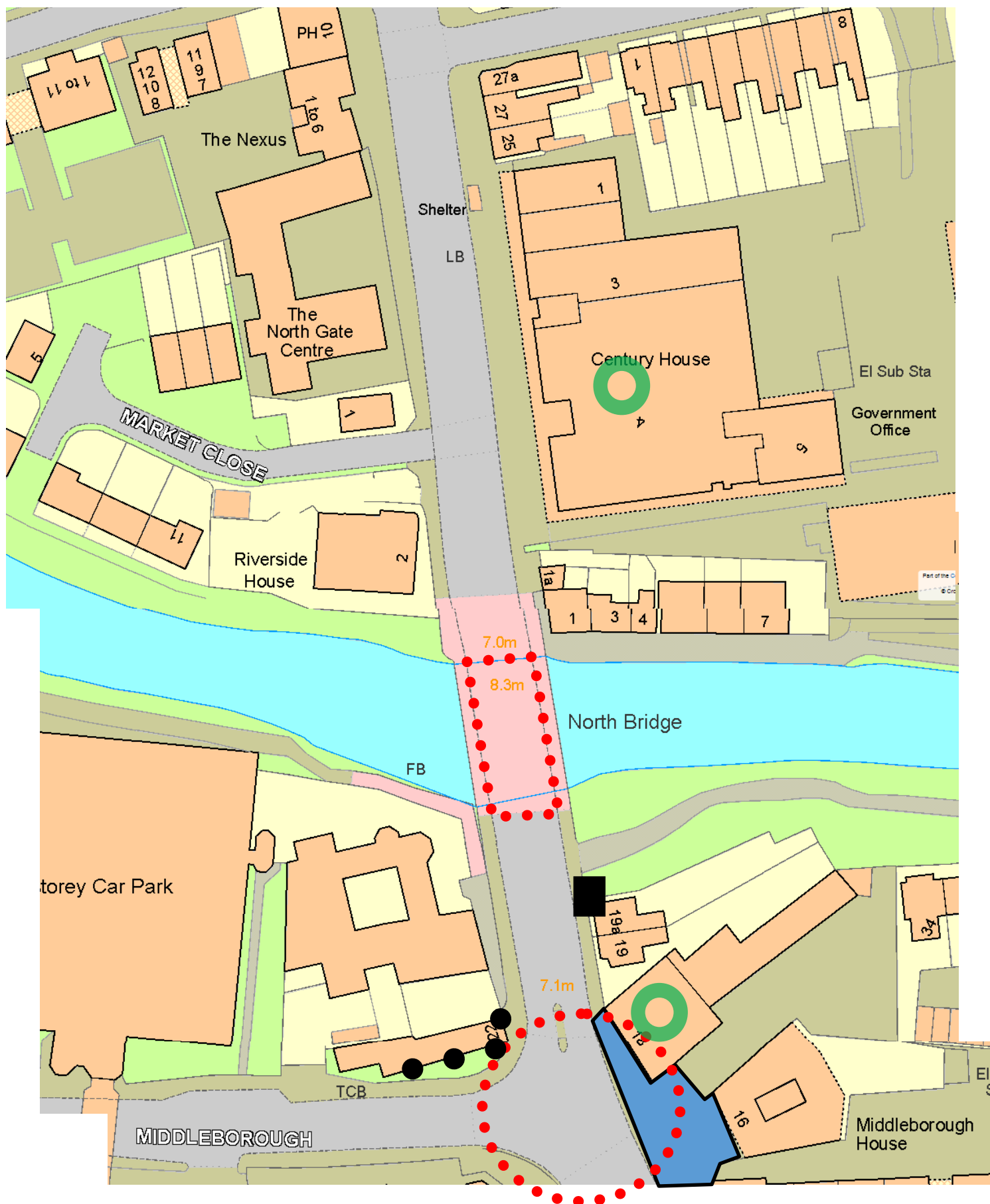


Deformed Birch within  
the pavement

1.29 POSITIVE TOWNSCAPE CONTRIBUTIONS: Area 3



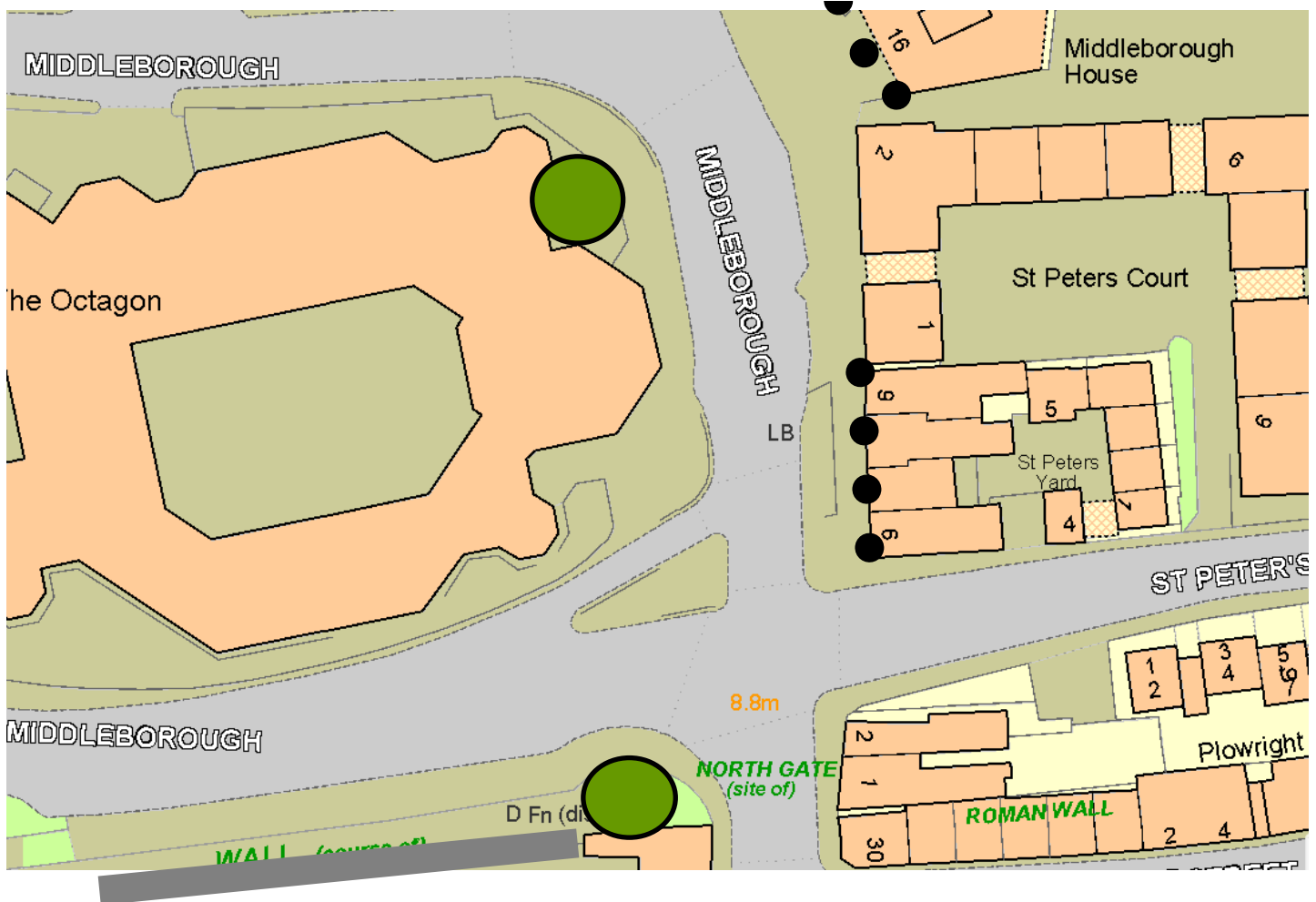
### 1.30 NEGATIVE TOWNSCAPE ELEMENTS: Area 3



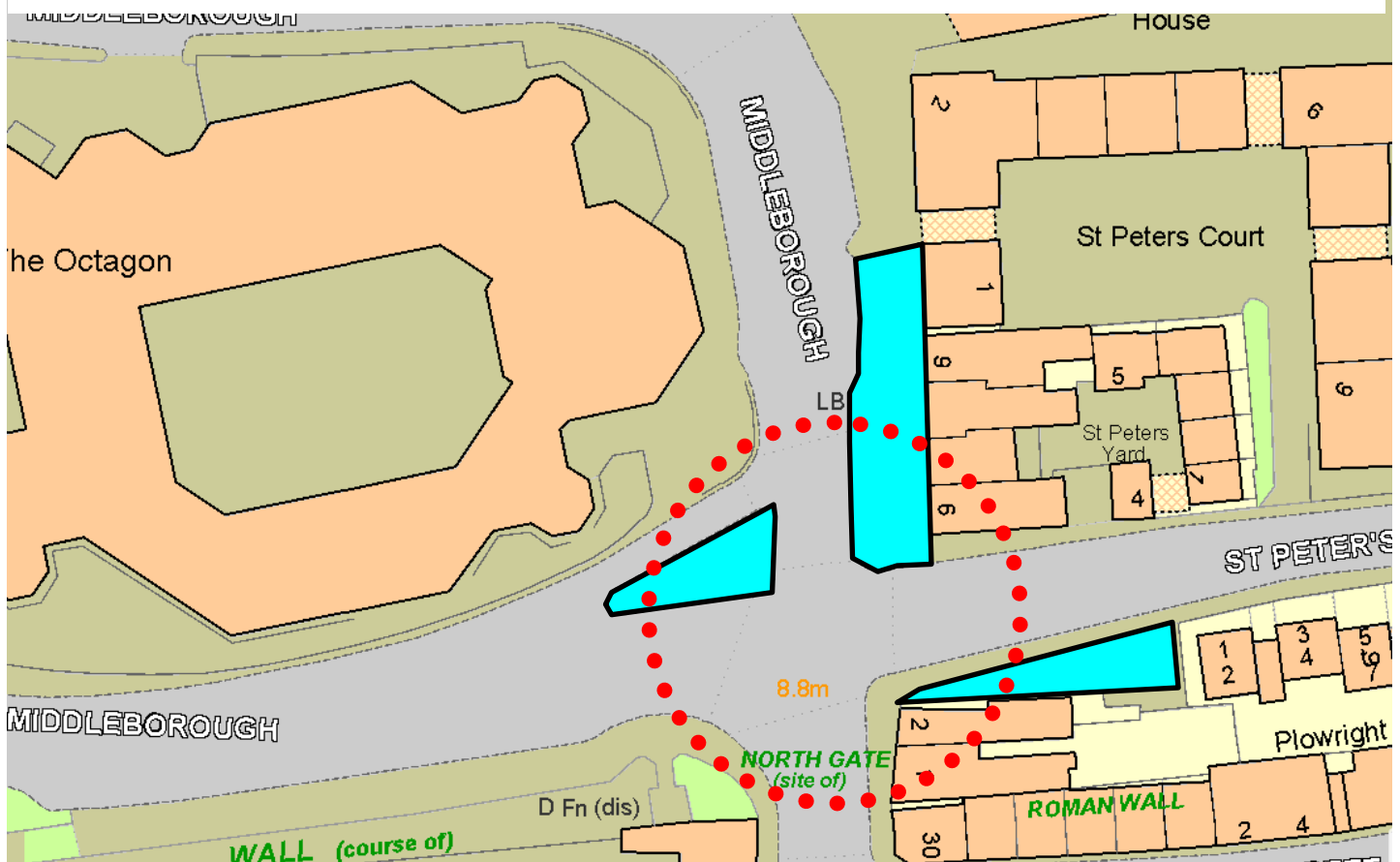
cluttered/unattractive street furniture



### 1.32 POSITIVE TOWNSCAPE CONTRIBUTIONS: Area 4



### 1.33 NEGATIVE TOWNSCAPE CONTRIBUTIONS: Area 4



## 1.31 TOWNSCAPE / ENHANCEMENT MANAGEMENT PROPOSALS [Area 3]

### A3.1

Refurbish the cast iron railing on North Bridge and re-paint.

### A3.2

Encourage the rationalisation of road markings on the bridge and if possible secure the removal of the illuminated bollards provided on the cycle route within the carriageway.

### A3.3

Encourage local highway authority to improve appearance of pavement outside 27a-25 North Station Road and 1-4 Century House.

### A3.4

Encourage the rationalisation of street signage at the Middleborough [N] / North Station Road junction.

### A3.5

Discuss with the local highway authority amending the massive highway directional sign adjacent to no 19a to reduce its harmful visual impact on the character of the conservation area without prejudicing highway safety

### A3.6

Discuss with the owners of 16 North Station Road and the local highway authority introducing appropriate boundary enclosure and pavement improvements to the street to conceal the large open parking area and present an attractive edge to the public.

### A3.7

Generic objective to enhance shopfronts in line with adopted Shopfront Guidance SPD.

### A3.8

Generic objective to reduce excessive and extraneous shop signage.



The distinctive and rather elegant concrete framed building at no 16 and the poor public realm around it



Dominant street furniture



## 1.34 TOWNSCAPE / ENHANCEMENT MANAGEMENT PROPOSALS [Area 4]

### A4.1

Encourage the rationalisation of street signage at the Middleborough [S] / North Station Road junction.

### A4.2

Generic objective to enhance shopfronts in line with adopted Shopfront Guidance SPD.

### A4.3

Generic objective to reduce excessive and extraneous shop signage.

### A4.4

Encourage enhancement area in front of flank wall of the corner property. Consider art works to screen unsightly flank wall



Dominant street furniture



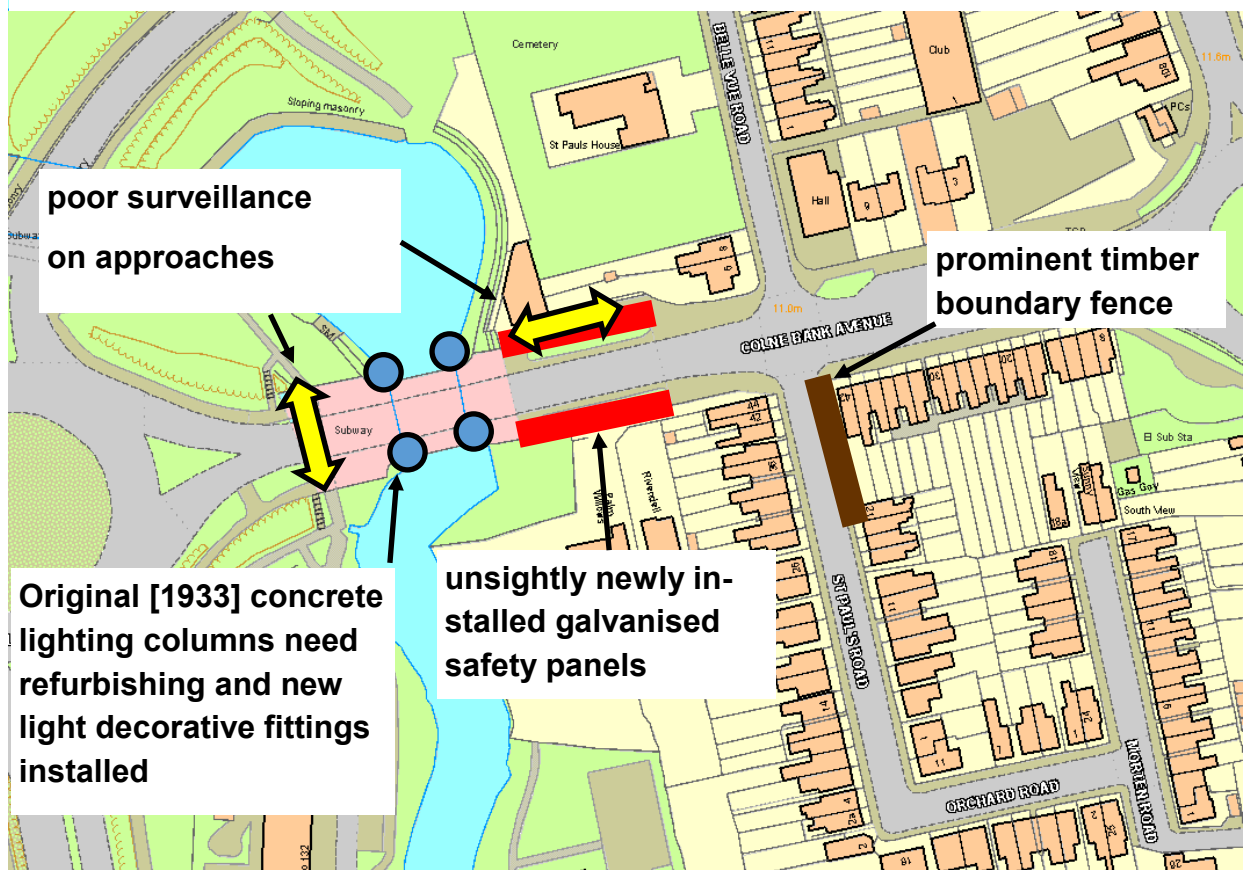
St Peter's Street / Middleborough: ugly side wall



### 1.35 POSITIVE TOWNSCAPE CONTRIBUTIONS: Area 5



### 1.36 NEGATIVE TOWNSCAPE CONTRIBUTIONS: Area 5



## 1.37 TOWNSCAPE / ENHANCEMENT MANAGEMENT PROPOSALS [Area 5]

### A5.1

Explore feasibility of refurbishing original lighting columns on the bridge and adding appropriate light fittings to restore the original character of this art deco feature. The first major highway intervention in Colchester to accommodate the growth in motor car usage [1933]

### A5.2

Explore the feasibility on improving surveillance around the former swimming pool and of enhancing its natural attributes and attractiveness to and habitat Undercroft rooms and the old changing rooms are in use as a gym and canoe centre.

### A5.3

Work with the local highway authority to encourage the softening of the visual impact of the recently installed galvanised safety panels which have improved highway safety but have introduced a harsh 'fortress like' visual element into the street scene





## 1.38 EXTERNAL WORKS ASSESSMENT for ENHANCING BUILDINGS WITHIN CCA4

71 Globe Hotel Listed  <b>HIGH PRIORITY</b>	Reinstate sash windows to match existing where currently replaced by C20 interventions and overhaul historic sashes refurbish and redecorate all historic joinery. Remove/reroute external air con units and parking sign on north side of building
67,69 Radio Centre  <b>MEDIUM PRIORITY</b>	Make good render and repaint in mineral paint. Replace doors with more appropriate timber doors, first floor windows with 4 pane box sash windows. Replace fascia with wooden 'canted' style fascia of appropriate depth to run the width of property with applied lettering.
59 Col Electrical 59b café  <b>MEDIUM PRIORITY</b> [note refurb appears under way]	Render and repaint frontage, replace 1 <sup>st</sup> and 2 <sup>nd</sup> floor windows with 6/6 and 3/6 paned box sash. New cantilever blind included in box set in fascia. New timber, canted fascia to run width of property with applied lettering. Render and repaint frontage, replace 1 <sup>st</sup> and 2 <sup>nd</sup> floor windows with 6/6 and 3/6 box sash. New cantilever blind incorporated into fascia design. New timber, canted fascia to run width of property with applied lettering.
57 Ocean Supermarket  <b>MEDIUM PRIORITY</b>	Replace 1 <sup>st</sup> floor window with tripartite sash. New timber, canted fascia to run width of property with applied lettering. New cantilever blind incorporated in fascia. Remove first floor signs.
55 Yummy <b>MEDIUM PRIORITY</b>	Refurbish, repair and repaint all box sash windows. New timber, canted fascia to run width of property with applied lettering
53 Peri Grill 51 Pizza House 49 Pizza Hut  <b>MEDIUM PRIORITY</b>	Refurbish, repair and repaint all sash windows. New timber, canted fascia to run width of property with applied lettering Refurbish, repair and repaint all box sash windows. New timber, canted fascia to run width of property with applied lettering. Refurbish, repair and repaint all sash windows. New timber, canted fascia to run width of property with applied lettering. Replace shopfront with more appropriate design – no 33 is good example. Remove first floor signage.
47 Beauty Spot Local list <b>MEDIUM PRIORITY</b>	Refurbish, repair and repaint box sash window.
45 Bar BQ Local list <b>MEDIUM PRIORITY</b>	Refurbish, repair and repaint box sash window. New timber, canted fascia to run width of property with applied lettering. Remove first floor signage.
43 residential Local list <b>MEDIUM PRIORITY</b>	Refurbish, repair and repaint all box sash windows. Render with 2 coat lime render and paint with mineral paint finish. Retain existing plaster finish. Repair/paint pentice boards on ground floor and string course above.
41 residential Local list <b>MEDIUM PRIORITY</b>	Refurbish, repair and repaint all box sash windows. Render with 2 coat lime render and paint with mineral paint finish. Retain existing plaster finish. Repaint pentice boards on ground floor and string course above. Repair/cover exposed wiring at ground floor.
37 Convenience store <b>MEDIUM PRIORITY</b>	Replace first floor windows to 4 pane box sash. New timber, canted fascia to run width of property with applied lettering. New cantilever blind box included in fascia. Remove first floor signs
35 Chinese cuisine <b>MEDIUM PRIORITY</b>	Replace first floor windows with 4 pane box sashes.

27a Col Shooting Centre  <b>HIGH PRIORITY</b>	Re-roof with clay cambered peg tiles. Replace 1 <sup>st</sup> floor windows with appropriate single glazed rebated balanced painted timber casements. Remove boarding in ground floor window and replace with open weave internal retractable shutters. Replace shopfront with traditional 3 pane shopfront window. Remove first floor Dutch blinds on front a side of building. Strip render and repair timber frame as required. Re-render on timber lath with 2 coats of lime render and repaint with mineral paint.
27 Afro Chic Listed  <b>HIGH PRIORITY</b>	Reroof with clay peg tiles. Replace 1 <sup>st</sup> floor windows with appropriate single glazed rebated balanced painted timber casements. Remove first floor Dutch blinds. Strip render and repair frame as required. Re-render with 2 coats of lime render on timber lath and repaint with mineral paint. Replace shopfront with traditional 3 pane shop window.
25 Happy Days Diner Listed  <b>HIGH PRIORITY</b>	Reroof with clay peg tiles. Repair and refurbish 1 <sup>st</sup> floor sash window. New timber, canted fascia to run width of property with applied lettering. New cantilever blind included in fascia. Remove first floor signage. Remove metal grill. Strip existing render and repair timber frame as required. Re-render with 2 coats of lime render on timber lath and repaint with mineral paint. Replace shopfront with traditional 3 pane shop window.
1A Empty lean-to  <b>HIGH PRIORITY</b>	Discussions will be held with owner of 1A North Station Road and 1 Riverside Cottage to purchase and demolish this building to remove an ugly 'lean to' attached to a listed building. The lean to former shop is in separate ownership from the listed building. The listed building owner will be invited to purchase the land to increase their garden size with the land being enclosed from the road by walling to improve the setting of the Listed building, while greatly improving the streetscene. Alternatively, it is planned to landscape this area for public use including small scale seating.
Riverside Hotel Listed  <b>HIGH+ PRIORITY</b>	Refurbish/repair existing historic windows. Replace attic and top-vent EJMA windows with appropriate single glazed box sash. Replace back and front doors with appropriate historic type. Remove and reroute existing external flues/extractors. Strip elevations and repair frame/brickwork as necessary Render with 2 coat lime render and paint with mineral paint finish.
North Bridge Listed  <b>HIGH+ PRIORITY</b>	Improvements and refurbishments to finish off deck to replace concrete with York flags and enhance the setting of the Listed structure There is the opportunity to work with ECC who are planning major structural work on the North Bridge. There will be an economies made if the refurbishment of the bridge can be carried out by the same contractor. This will add quality and value to the rudimentary work planned by Essex County Council
28 Raj Palace Local list  <b>HIGH PRIORITY</b>	Replace 1 <sup>st</sup> floor windows with two 6 pane traditional timber casement window
30-32 Listed <b>HIGH+ PRIORITY</b>	Replace 1 <sup>st</sup> floor windows with two 6 pane traditional timber casement window. Ground floor right hand window to be replaces with canted bay to match left window
34 Charcoal Grill Local list <b>HIGH PRIORITY</b>	New timber, canted fascia to run width of property with applied lettering.
36 Dolphin Fish bar Local list <b>HIGH PRIORITY</b>	Replace 1 <sup>st</sup> floor window with 8/8 timber sash. New 3 pane traditional shopfront with 2 mullions

6 Middleborough Local list  <b>MEDIUM PRIORITY</b>	Replace two ground floor windows and upper floor window with tripartite box sashes. Repair and repaint barge board and door
Drinking Fountain Middleborough Listed  <b>HIGH PRIORITY</b>	Improve the setting of the Listed structure, and interpret it's history. The fountain has an interesting story as it was moved from the old cattle market and located adjacent to the Roman Wall when the cattle market was developed in 1970s. The provision of water would restore the original function.
Land corner of Middleborough and St Peters Street  <b>MEDIUM PRIORITY</b>	Improve setting of the Roman Gateway – Paving and lighting with artwork panel Develop ideas on the artwork screen of gap site building in area D and tidying of site. Work with Colchester Institute Arts degree students and the wider community to investigate possibility of providing an art wall to enhance the entrance to the roman city.
31 North Hill <b>MEDIUM PRIORITY</b>	Replace 1 <sup>st</sup> floor window with suitable timber painted box sash

Majestic Wine	Redevelopment land for mixed use development
Kwik Fit Exhausts	Redevelopment land for mixed use development
National Tyres	Redevelopment land for mixed use development
Land corner of Morten Road	Redevelop land for mixed use development
Standard Tyres	Redevelop land for mixed use development
Middleborough office	Redevelopment land for mixed use development

## 1.39 JUSTIFICATION for CONSERVATION AREA STATUS

In undertaking this Appraisal and assessing significance 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 the proposed conservation area 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 proposed conservation area can be summarised as:

### **Evidential**

With its strong collection of listed buildings including hostelryes, houses and shops it tells us much about how people lived. It reminds us that the area was once outside of the walled Town of Colchester and represented the transition between Town & Countryside. The Town's main cattle market was situated adjacent to the proposed conservation area and that only disappeared in the later half of the 20th century. It tells us something about local government in that North Bridge represented the upstream extent of the Borough Council's traditional Fishery rights. The Council remains the owner of the bed of the River Colne and still controls the fishery rights. Something that is important to the world famous Colchester Oyster Industry. (Colchester holds an annual Oyster Feast). It also provides very strong evidence that the impact of non-horse driven transport transformed the appearance of the town and its economic life. It also demonstrates that the need to accommodate the motor car swept much traditional life away along with parts of the old built form of the town.

### **Aesthetic.**

Within the proposed conservation area you find 15-17th century buildings now sitting beside 20th century buildings [and in some cases this relationship is not always an easy one]. Being on what was historically (but less so today) a principal road entrance into the Town there survives a number of traditional garages that retain dilute art deco references. These are potentially future redevelopment sites. Some of the newer infill & redevelopment is sensitive and/or of interest in that they are of their time. Elsewhere others are poor examples even of their time.

Just yards off the main spine that is North Station Road is a real hidden gem in the shape of Morten Road with its polite urban cottages which display some outstanding decorative terracotta tile work. There is a real sense of the influence of the arts & crafts movement.

The interface between CCA1 and proposed CCA4 is an important gateway point into the ancient walled town or Colonia at the North Gate is currently unwelcoming due to poorly maintained buildings and the busy highway complex and overscaled offices that have usurped the historic cattle market of Middleborough. The community planting around the fountain is a sign of community aspiration that the area will improve. The historic drinking fountain could be the focus to these improvements that seek to bring buildings back into use and vacant upper floors could also provide much needed homes and active surveillance of the street. The planned improvements to this cluster could mean 3 or 4 new dwellings will be brought into use.

- Drinking Fountain- Grade 2 Listed structure improve its setting with interpretation, new tiled paving surround and lighting
- 31 North Hill – replacement window in wall of building constructed above town wall.
- Land corner of St Peters Street, Improve setting of the Roman Gateway – Paving and lighting

The North Bridge area is a vignette of rural Essex is a green oasis on the edge of Middleborough - an area of large scale office buildings set in an aggressively engineered highway network. The listed bridge is in a poor state of repair and its upgrade will greatly enhance the area as it forms a hub at the heart of a key group with the adjacent riverside cottages (also listed) and the listed Riverside Hotel and Riverside Lodge (grade II). Removal of the empty shop premises attached to the end of the later C17 terraced riverside cottages will deliver much needed private space to facilitate the optimal viable use of the cottage. This will also enhance the street scene and setting of the listed building by reinstating appropriate enclosure through brick boundary walling.

The removal of this unsightly and opportunistic shop could alternatively be used as landscaped space such as a communal garden. Repair of the listed Riverside Hotel could create a series of new homes in this attractive riverside location as opposed to the poorly maintained and marginally viable hotel that currently operates. The replacement of the aggressive masonry painted elevations with ochre or ghostly limewash and reinstated windows will restore a cherished view that has long since been lost to a cycle of poorly conceived alterations. The synergy with the on-going repairs carried out to the Riverside Lodge (later C17 and brick with Gothicised elevations) will create a memorable group of listed vernacular buildings and a foretaste of the pleasures of North Hill to the south. All of this becomes possible with the support of lottery funding.

- Bridge and parapet refurbishment to finish off deck to replace concrete with York flags and enhance the setting of the Listed structure
- Riverside Hotel

Further north medieval buildings form a distinctive cluster with gabled narrow frontages evoking the pre-industrial town and potentially fine timber frames suffocating in dense cement jackets and probable weak crown post roofs labouring under the weight of crinkly concrete tiles. With investment these listed buildings could be allowed to tell their story of medieval life outside the walled town. The cycle of inadequate investment and marginal uses will otherwise continue on a familiar downward spiral. However, repair and reinstatement of lost detail of these buildings could deliver two new dwellings are brought back into economic use and improved business users that wish to locate here because it is historic rather than cheap and not so cheerful.

Elsewhere Victorian Gothic flourishes can be found.



Being part of the evening economy many of the shops and restaurants in North Station Road flaunt a certain amount of brash and garish signage. Whilst this does little to enhance the area it does demonstrate a resilience to the post-2008 economic crisis which in the grander scheme of things has meant that important buildings have not fallen into complete disrepair following an extended period of vacancy. The framework for revival and restoration therefore remains intact

**Historical:** North Station Road represents a timeline going back some 600 years charting the growth of urbanism and the expansion of Colchester. Being on an important route in and out of the Town of Colchester it has seen dramatic change and it provides strong evidence as to how the arrival of the railway to the Town in 1843 sparked a period of expansion that has not stopped since. In this one street you can explain the morphology Colchester.

It is a key location that also charts the impact public transport and later growth of car travel. North Bridge was widening to accommodate trams. It now contains part of a dedicated bus corridor. It was one of the first parts of the borough to experience major highway works in 1933 with the construction of the first by-pass [Colne Bank Avenue]

It has long been a commercial area and continues to fulfil that function.

It also demonstrates how the Victorian philanthropic movement influenced social change within the town. The first publicly funded primary school (survives) the first public swimming pool [open air] (survives but in alternative use) & The Railway Workers Mission with its strong connection to the railway.

**Communal:** It reinforces our typical [and perhaps now much rarer to find in reality] view of the traditional local shopping centre. It also reminds us of how modern society has moved on in terms of improved social mobility and opportunity and recreational facilities. 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.

Many children still attend North Primary School providing a direct connection with the past and a very strong foot in the present.

It also demonstrates not just how an expanding urban area is organised and what price is sometimes paid to accommodate economic growth but also how an area can adapt and yet keep its special character whilst evolving new traits.

**Conclusion:** The area is on the cusp of potential largescale change and it is clear that there has been little recent investment in property maintenance and many sites represent redevelopment opportunities.

This appraisal has recognised that whilst planned change can be potentially be accommodated if approached sensitively the area is vulnerable and does has special historic and architectural merit worthy of greater statutory protection.

The Council believes that the fact that it functions as a major pedestrian corridor into and out of the Town Centre is something that can bring new energy, investment, public spend and a bright future for this largely commercial area on the edge of the Town Centre.

Being a conservation area will draw attention to its charms and character and will allow the Council to encourage owners of properties to invest in them. The Council will seek to deliver externally funded enhancement projects to reinforce this desire to re-establish itself as an attraction for visitors and residents alike.

The defined proposed Colchester Conservation Area no 4 boundary is a logical extension of the adjacent part of Colchester Conservation Area no 1 which was the first in Colchester.

Forty-four years have passed since the designation of CCA1 and much has happened in terms of the historic, architectural, economic and social life of the Town.

Much has been lost, altered and/or replaced—the natural cycle of urban expansion, decay and renewal.

From Roman times the corridor now occupied by North Station Road was a major access into the Town from the north. North Bridge has in a number of guises been the stepping stone to link town and countryside.

The arrival of the railway to Colchester in 1843 triggered gradual urban expansion northwards into open countryside. North Station Road charts that growth and is a fascinating mosaic of buildings from across six centuries. It has despite all the economic pressures faced since the financial crash of 2008 managed to retain a strong and vibrant commercial character—This must in part be due to its obvious function as a conduit along which people pass in and out of town—many by foot having used buses or trains.

Despite much change, some of which has not been particularly sympathetic it is still easy to visualise its past more picturesque character.

The area was important in the recreational life of people of the Town in that it once housed the Town's public open air swimming pool which remains as something of a lost gem as it gradually reverts to nature.

The route also has strong links with the growth of the railway in that it housed one of the earliest Railway Worker Missions and Colchester's first publicly funded school was built in what is now John Harper Street. That school remains in almost all its original form when viewed externally.

It has also been in the vanguard of highway engineering solutions to accommodating growth and the motor vehicle, not always to its advantage from a townscape perspective, but it is important because of that fact.

The Council will build on existing initiatives to promote better interpretation of the history of the area and to sensitively signpost other attractions, destinations and nodes in the wider vicinity

1.39 Proposed Colchester Conservation Area Boundary: 2018





North Station Road & environs CA  
[Morten Road, Orchard Road, St Pauls Road (S),  
John Harper Street & former Colne Bank  
open-air swimming pool]

PART TWO:  
the Management Proposals



## 2.0 'DEVELOPMENT MANAGEMENT' PROPOSALS

### 2.1 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 proposed conservation area there is likely to be demand for new development in the shape of infill and replacement buildings. 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 this area as being within urban Colchester where the majority of growth is to be concentrated in part because of its highly sustainable location.

### 2.2 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).

### 2.3 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. Furthermore, there must be satisfactory proposals for the re-development of any site before consent will be granted for demolition.

#### **MP3:**

Buildings identified as having local interest will be further assessed for 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.

## **2.4 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 where these exist
- Removal of chimney stacks and pots

- Removal of existing boundary walls and/or railings
- Painting of original brickwork
- Removal of decorative terracotta tiles
- Removal of clay plain tiles or real slates
- Use of concrete roofing materials
- Removal of traditional shopfronts
- Excessive shop signage and internally illuminated box signs and projecting signs
- Non-traditional shop blinds/canopies[ie not canvas]
- Use of non-matching bricks (colour and texture), bond and mortar in wall repairs
- Installation of uncoordinated street furniture
- Use of road markings other than conservation type (especially yellow lines and bus stops)
- Parking in front gardens
- Enclosed parking and servicing areas on the street frontage
- Poor design
- Excessive road signage

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 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

## 2.5 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.

## 2.6 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.

## 2.7 SHOPFRONTS

The Council will seek to encourage the retention of traditional shopfronts on the basis that this complies with the Councils Adopted Shopfront Guidance SPD.

Traders will be encouraged to replace unsympathetic shopfronts with one's that comply with the Adopted Shopfront Guidance SPD when considering replacement.

**MP9:**

The Council will robustly apply its Shopfront Guidance SPD when considering the merits of any proposal to replace a shopfront within the conservation area.

There will be a presumption against the removal of traditional shopfronts

## 2.8 SHOP SIGNAGE

The Council will encourage the use of sensitive shop signage that is subdued in nature but that is sufficient for the purpose of reasonable announcement and promotion. Internally illuminated box signs will not be approved in the conservation area. All fascia and projecting sign advertisement displays should be non-illuminated lettering applied to a flat non internally illuminated surface. External illumination or halo effect illumination may be appropriate.

**MP10:**

Control will be exercised in respect of proposed retail [and other commercial] signage displays on premises to ensure that that character of the conservation area is enhanced.

Excessive and extraneous signage will be resisted where it will harm visual amenity or result in unnecessary visual clutter or over-illumination.

## 2.9 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 pavement 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]

**MP11:**

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

**MP12:**

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, poor pavement maintenance and inferior public realm

**MP13:**

The Council will encourage enhanced subtle legibility and sensitive signposting to direct travellers to key visitor attractions along and beyond the route

## 2.10 ENHANCEMENTS

Having recognised the heritage value of the area within the defined boundaries and having analysed and demonstrated its special historical and architectural value the Council will seek to positively intervene where feasible to enhance the character of the area. It will also encourage its partners to join in that ambition.

Where ever possible the Council will seek to secure external funding for enhancement projects and initiatives that will help it to deliver on the management proposals set out here or allow the Council to go beyond these.

It is recognised that in a time of economic restraint and austerity money is not always as available. The Council believes that an holistic approach to improving the wellbeing of the Town and the people that live, work and visit it holds out the best chance of delivering real improvements that can embrace heritage assets.

For example much of the Town Centre is an Air Quality Management Area [AQMA] but it is also a major tourist attraction. Perhaps environmental enhancements in North Station Road (a principal pedestrian corridor) might encourage greater use of public transport, increase dwell time in the proposed conservation area, encourage greater spend which owners can then re-invest in their buildings and so on.....

### **MP14:**

The Council will prepare planning briefs as planning guidance for opportunity sites identified in this document.

### **MP15:**

The Council will seek to secure external funding from appropriate sources to facilitate enhancement projects in the conservation area with the aim of lifting its current special historic and architectural merit through investment in repairs and public realm works

## 2.11 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

### **MP16:**

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.

### **MP17:**

The Council will explore how to deliver enhanced interpretation for the new Colchester Conservation Area No.4.



North Station Road & environs CA  
[Morten Road, Orchard Road, St Pauls Road (S),  
John Harper Street & former Colne Bank  
open-air swimming pool]

PART THREE: Monitoring & Review



### 3.0 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

#### 3.1 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.

#### 3.2 DOCUMENT REVIEWS

This document should be reviewed every five years after formal designation.

A review should include the following:

- A survey of the conservation area and boundaries and an assessment as to whether the current boundary needs to be amended;
- 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;



## 4.0 REFERENCES

- 1 CBC GIS map base
- 2 CBC GIS heritage information layer
- 3 Colchester Adopted Core Strategy (2008-2014)
- 4 Colchester Adopted development policies (2010)
- 5 VCH records Victoria County History pages 47-50 A History of the County of Essex Vol 10
- 6 Colchester & Ipswich Museum Service Archive
- 7 British History Online
- 8 Colchester HER
- 9 ECC Buildings at Risk
- 10 EH Heritage at Risk
- 11 Colchester History Forum Locally Listed Buildings Archive



**27. Anchor within the public realm at Seatrade House: This anchor is from the Lightship Colne which was stationed at many locations around the British Isles warning of dangers to navigation. In 1991 she was berthed at the Hythe where she remains as the headquarters of Colchester Sea Cadets.**

## 5.0 USEFUL CONTACTS

Vincent Pearce MRTPI

Planning Projects Specialist

[vincent.pearce@colchester.gov.uk](mailto:vincent.pearce@colchester.gov.uk)

01206 282452 (Wed, Thurs & Fri)

Dr Jess Tipper FSA, MCIfA

Archaeological Advisor

[jess.tipper@colchester.gov.uk](mailto:jess.tipper@colchester.gov.uk)

01206 508920

Simon Cairns MRTPI, IHBC

Major Development & Planning Projects Manager

[simon.cairns@colchester.gov.uk](mailto:simon.cairns@colchester.gov.uk)

01206 508650

Jane Thompson

Transport Planner

[jane.thompson@colchester.gov.uk](mailto:jane.thompson@colchester.gov.uk)

01206 508642



proposed

## **Colchester Conservation Area no. 4**

### **North Station Road & Environs**

**a character appraisal & management proposals**







19 March 2018

<b>Report of</b>	Assistant Director: Corporate and Policy	<b>Author</b>	Vincent Pearce
<b>Title</b>	Consultation Draft Birch Conservation Area Character Appraisal and Management Proposals		
<b>Wards affected</b>	Marks Tey and Layer		

## 1. Executive Summary

- 1.1 This report seeks Committee approval to consult with the public on the Consultation Draft Birch Conservation Area Character Appraisal and Management Proposals Document [BCAMP] prepared in November 2017. The BCAMP analyses the key components that contribute to making the area worthy of its conservation area status. Included in the document is an assessment of positive and negative features and key issues. It follows an established format for such documents. The possible demolition of the Church of St Peter and St Paul within the conservation area and a possible Public Inquiry has increased the pressing need for such an appraisal to support the Council's objection to the proposed demolition.

## 2. Recommended Decision

- 2.1 That the Local Plan Committee agrees to the Consultation Draft Birch Conservation Area Character Appraisal & Management Proposals being subject to formal public consultation for a six week period commencing in March 2018; and,
- 2.2 That the results of that consultation be reported to the Local Plan Committee at a subsequent meeting, along with any proposed amendments to the content where appropriate with a view to that document being agreed as a formal Supplementary Planning Document [SPD].

## 3. Reason for Recommended Decision

- 3.1 The Local Plan Committee is asked to agree these recommendations in order that the BCAMP can ultimately be afforded significant weight as a material planning consideration in the determination of development management decisions as formal SPD.

## 4. Alternative Options

- 4.1 With the potential impending demolition of the church of St Peter and St Paul [a grade II listed building within the Birch Conservation Area] and a possible public inquiry prompted by the Council's formal objection to such an outcome likely in early 2018 the option of doing nothing has been rejected. Such an action would be contrary to the Council's duty under S71(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"

## **5. Background Information**

- 5.1 Birch Conservation Area was designated on 1 September 1993 not that long after the church of St Peter & St Paul was closed for worship. The uncertainty about the future of this landmark building and key component within the townscape of Birch prompted the designation. This Appraisal and Management Proposals reflects relevant guidance in Part 12 of the National Planning Policy Framework (2012) and Historic England (Feb 2016) Conservation Area Designation, Appraisal and Management.

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

- 6.1 The church has not been used for regular religious worship for some 27 years. The Council's desire to see the building retained for appropriate alternative uses because of its historic significance raises no significant implications under this category. Redundant Church of England Churches have found appropriate alternative uses across the country without giving rise to adverse impacts for former worshippers.
- 6.2 Any alternative use would be expected not to alter the existing graveyard to the rear of the church and to respect the sanctity of that area. On this basis appropriate reuse of the church building is not considered to adversely impact the human rights of family members of the interred.
- 6.3 An Equality Impact Assessment has been prepared for the Local Plan, including Supplementary Planning documents, and is available to view by clicking on this link:- <http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>

## **7. Standard References**

- 7.1 There are particular references to consultation, publicity, financial considerations; community safety; health and safety and risk management implications.

## **7. Strategic Plan References**

- 7.1 The Council's Strategic Plan 2018 – 2021 includes Opportunity as a key objective and one of the priorities under this theme is to 'promote and enhance Colchester borough's heritage and visitor attractions to increase visitor numbers and to support job creation.'

## **8. Consultation**

- 8.1 It is intended to undertake a six-week public consultation exercise. The consultation will not begin until the new year in order to avoid any clash with Christmas when it would be reasonable to assume that the attention is likely to be diverted. All properties within the Birch Conservation Area will be individually notified in writing in advance and the consultation process explained. All responses will be reported to a subsequent Local Plan Committee meeting and amendments to document content may be proposed as a result

## **9. Publicity Considerations**

- 9.1 The publishing of the report and the draft SPD may generate publicity for the Council not least because of the public inquiry which will take place regarding the proposed demolition of the Church. The Council should be seen in a positive light for being proactive in publishing the Appraisal and Management Plan.

## **10. Financial implications**

10.1 There are no financial implications for the Council.

## **11. Community Safety Implications**

11.1 The owners of the church building are concerned that the public be protected from any falling masonry, tiles etc. and that the building be kept secure from unauthorised entry and vandalism. The church is currently sealed from the public by corrugated sheeting and in places scaffolding and this would appear to provide the immediate protection sought. It is the Council's case that alternative use of the building will improve community safety as it will provide new surveillance and human activity of a type likely to encourage social activity as opposed to anti-social activity (were the church to be demolished).

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

12.1 The graveyard remains open to the public and the measures described above afford immediate protection.

## **13. Risk Management Implications**

13.1 Finding an appropriate use for the building will ultimately reduce risks.

## **Appendices**

The BCAMP

## **Background Papers**

None





Colchester

# Birch Conservation Area Appraisal and Management Proposals

## **CONSULTATION DRAFT**

March 2018

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# 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



This document is prepared and produced by:

**Corporate & Policy Services**  
**The PLACE Team**  
**Colchester Borough Council**

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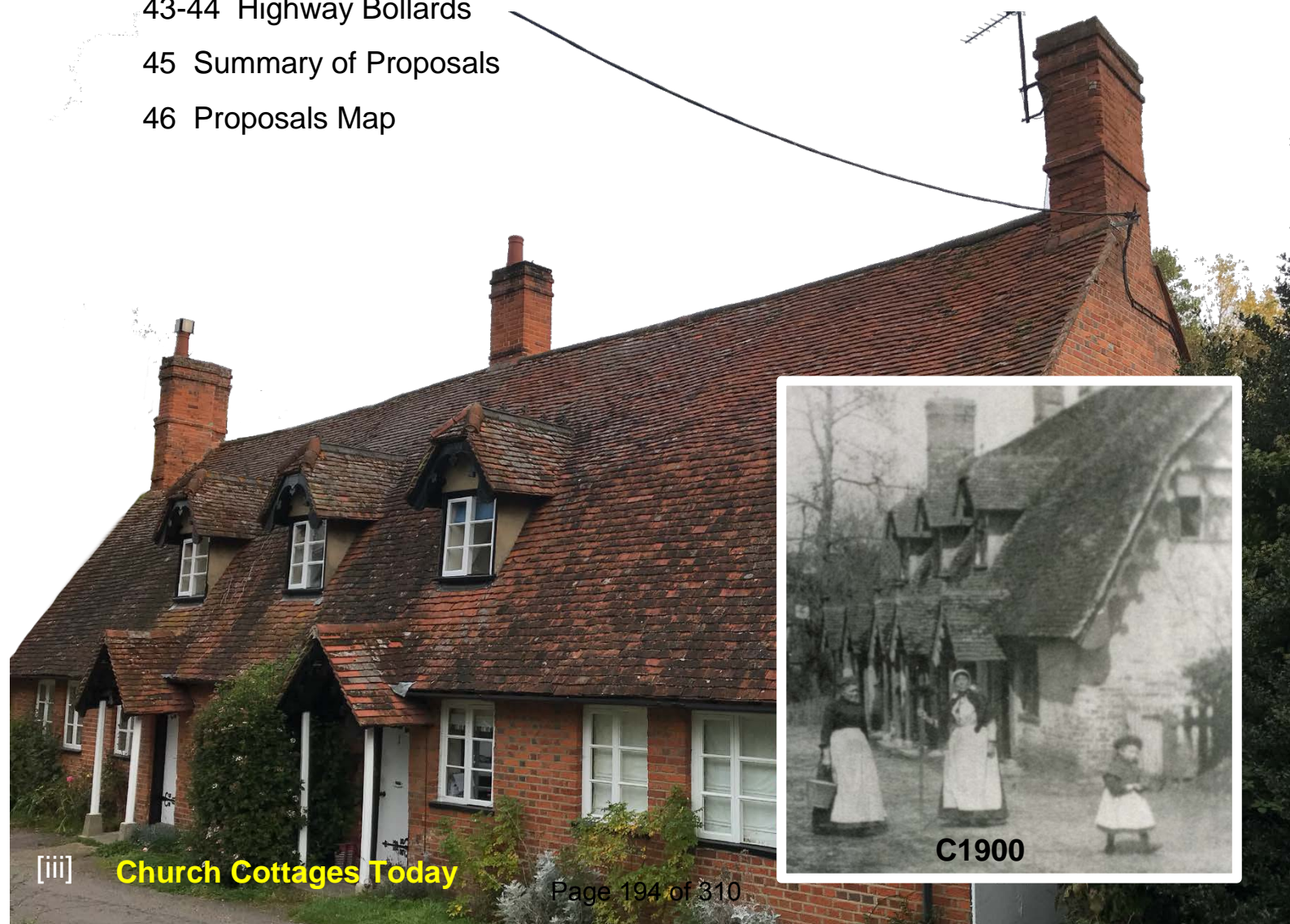
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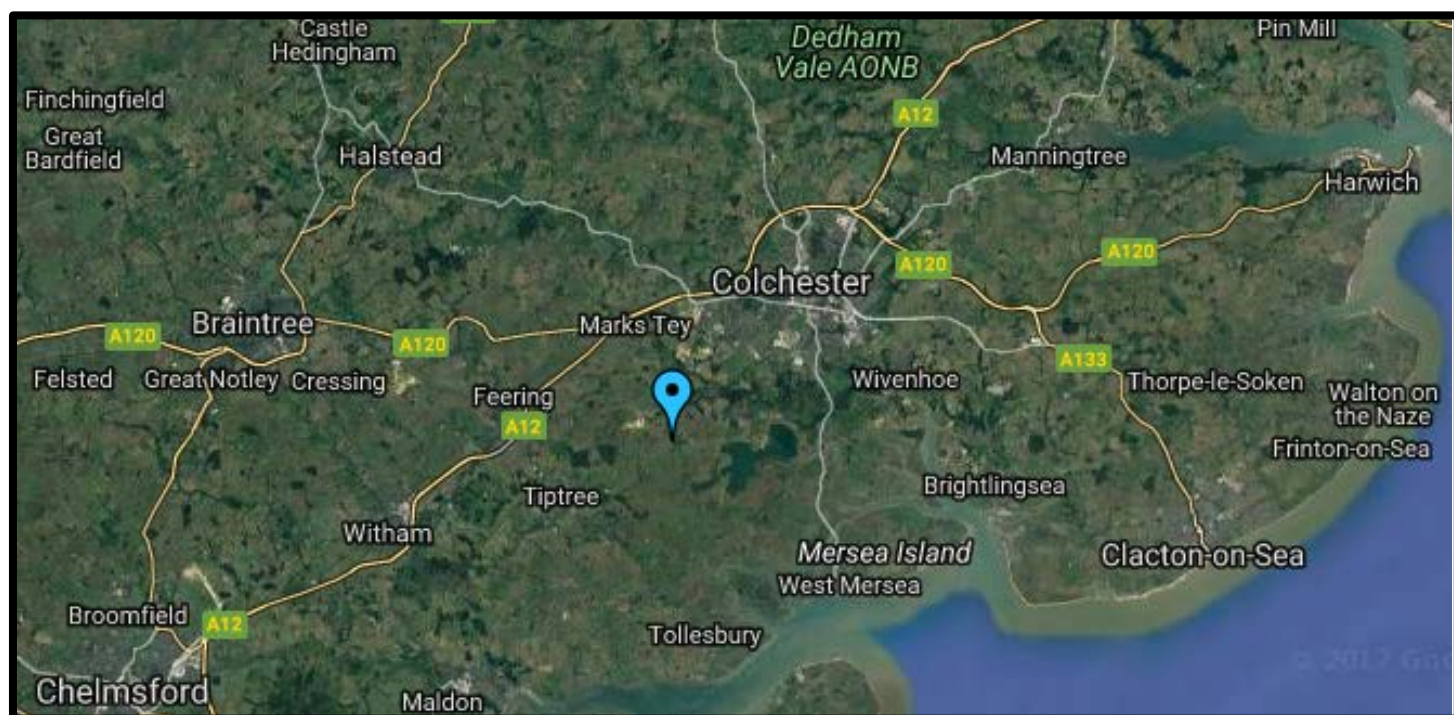
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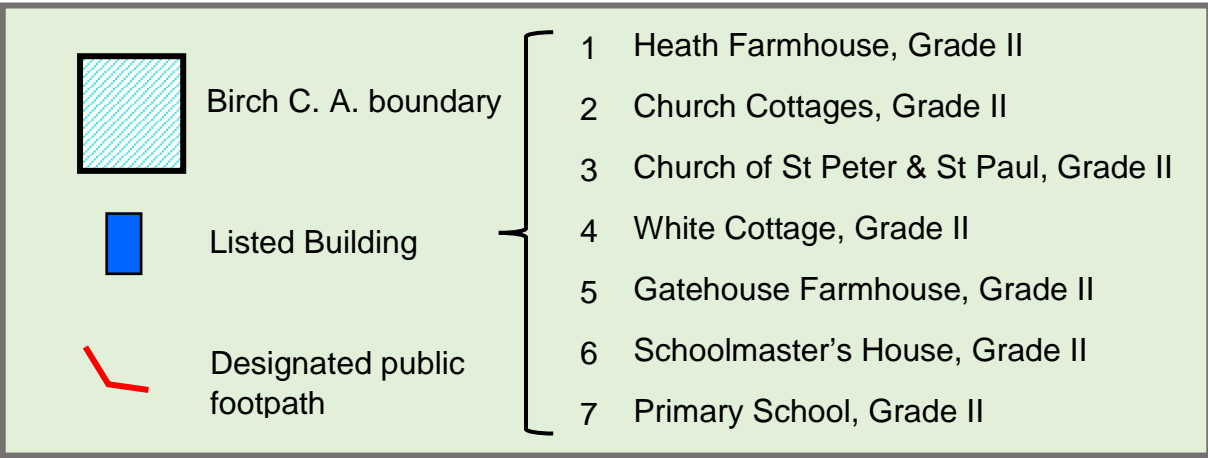
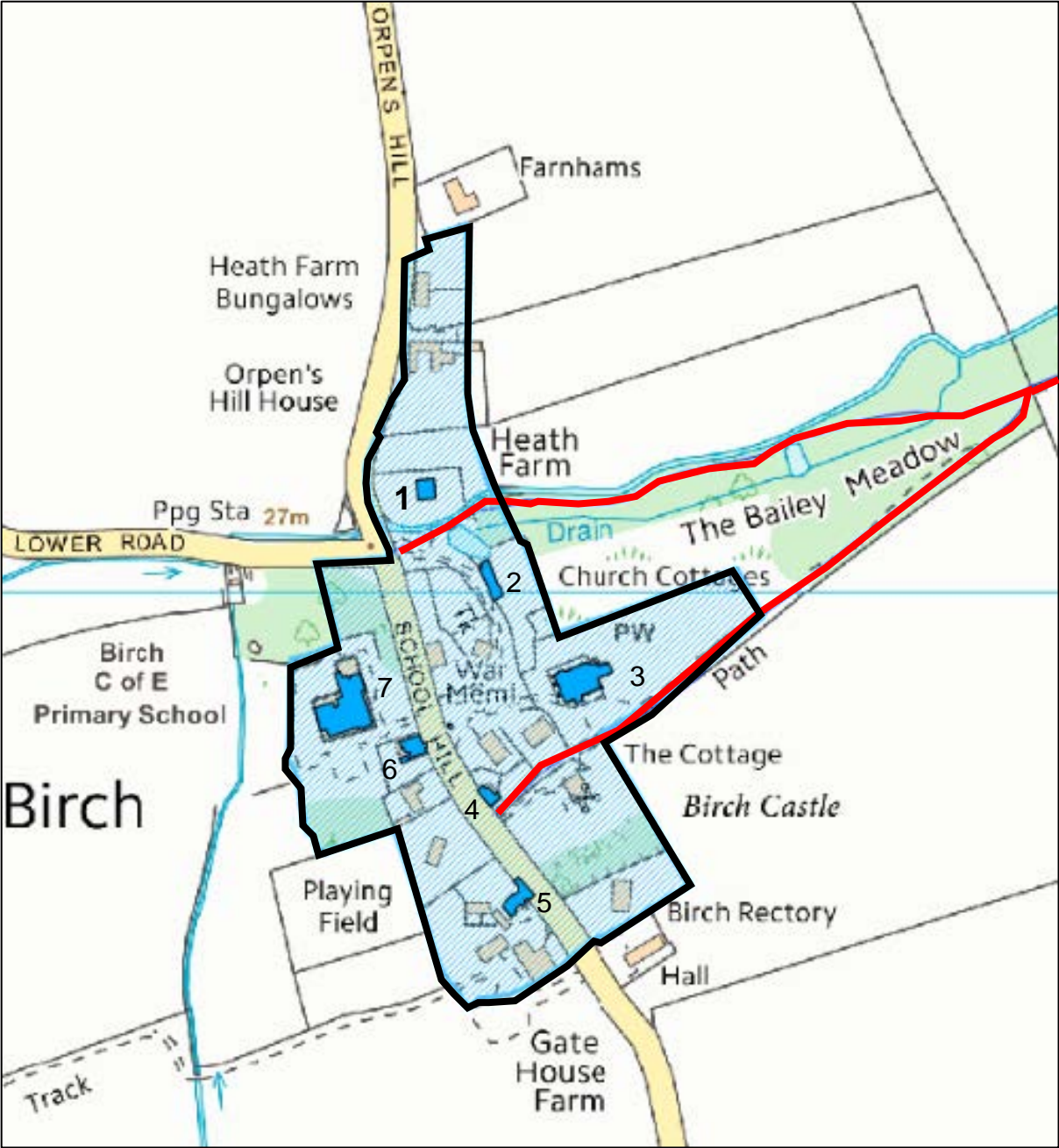


## General Location of Birch, Colchester, Essex





# 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.

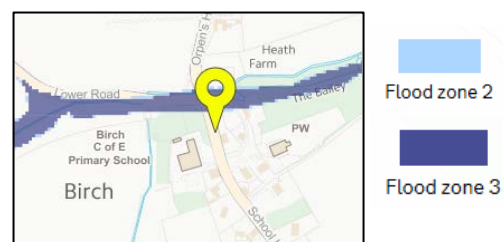
### 1.3 TOPOGRAPHY and LANDSCAPE SETTING

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**



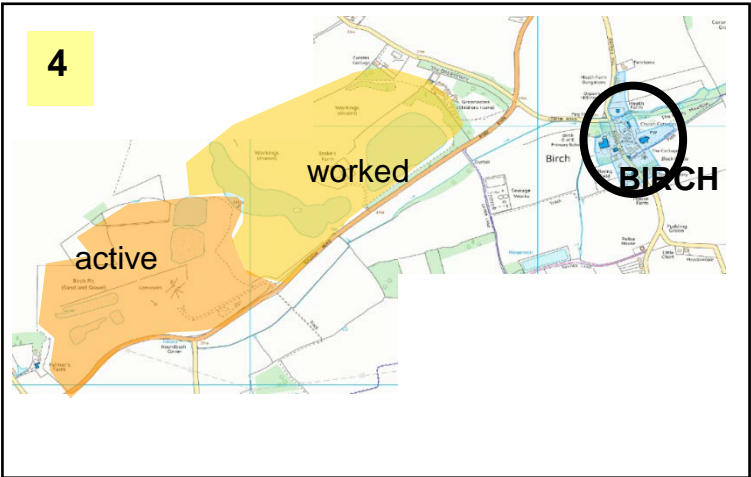
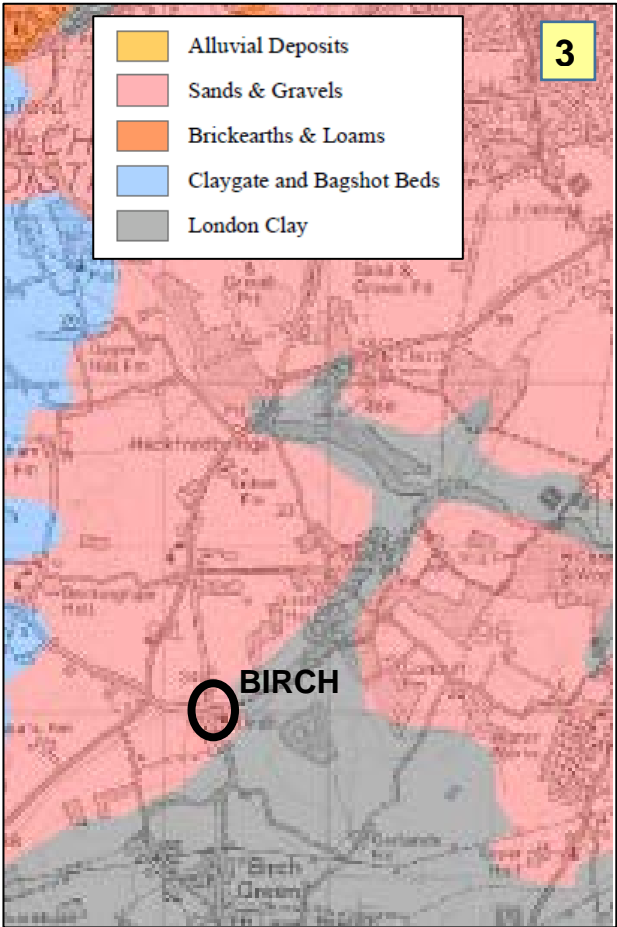
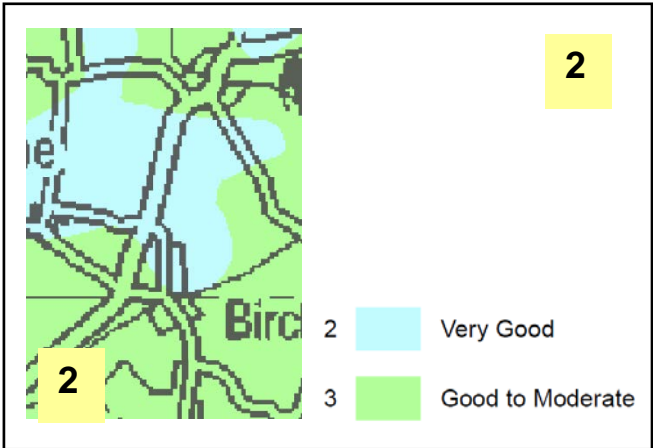
### 1.4 AGRICULTURAL LAND QUALITY

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

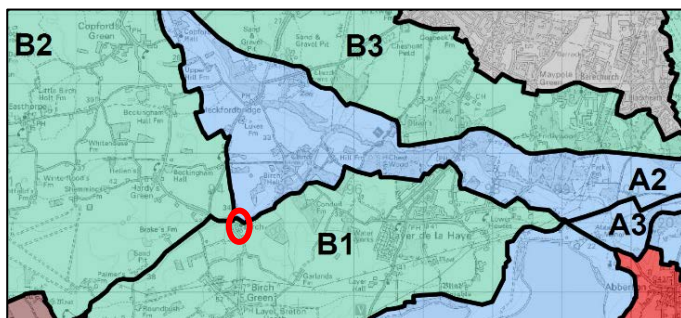
3: Geology

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'.

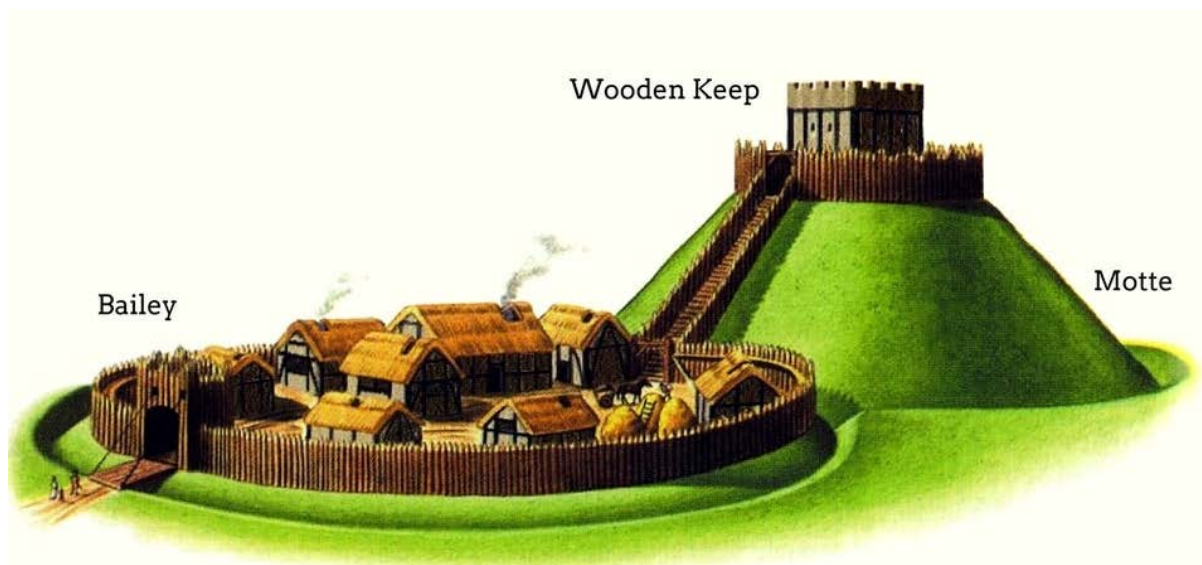


Figure 8: An illustration showing typical components of a motte and bailey castle

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.

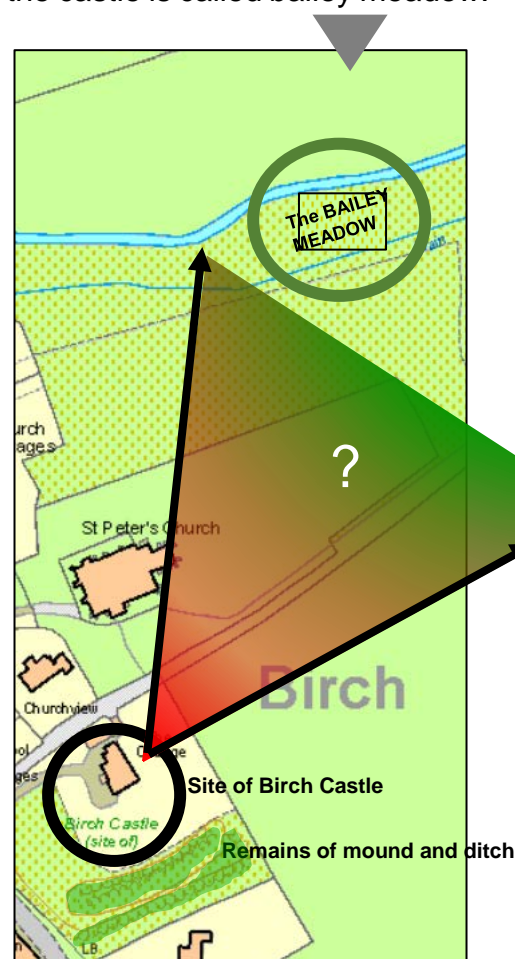


Figure 9: An historic clue?

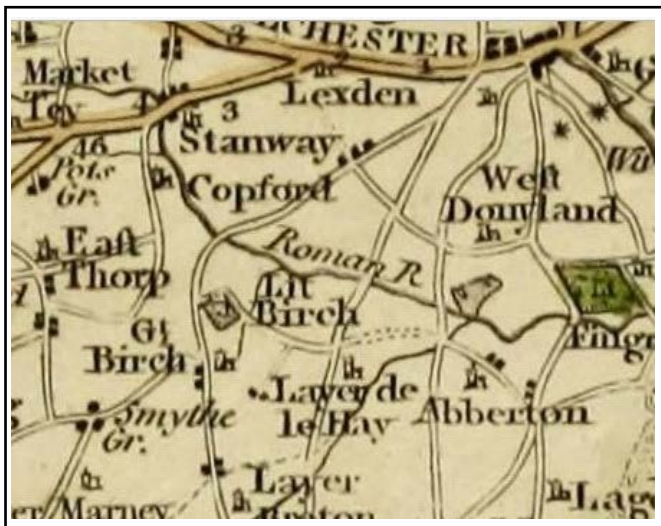


Figure 10: Cary's New and Correct English Atlas 1798 [Gt. & Lt Birch]

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.

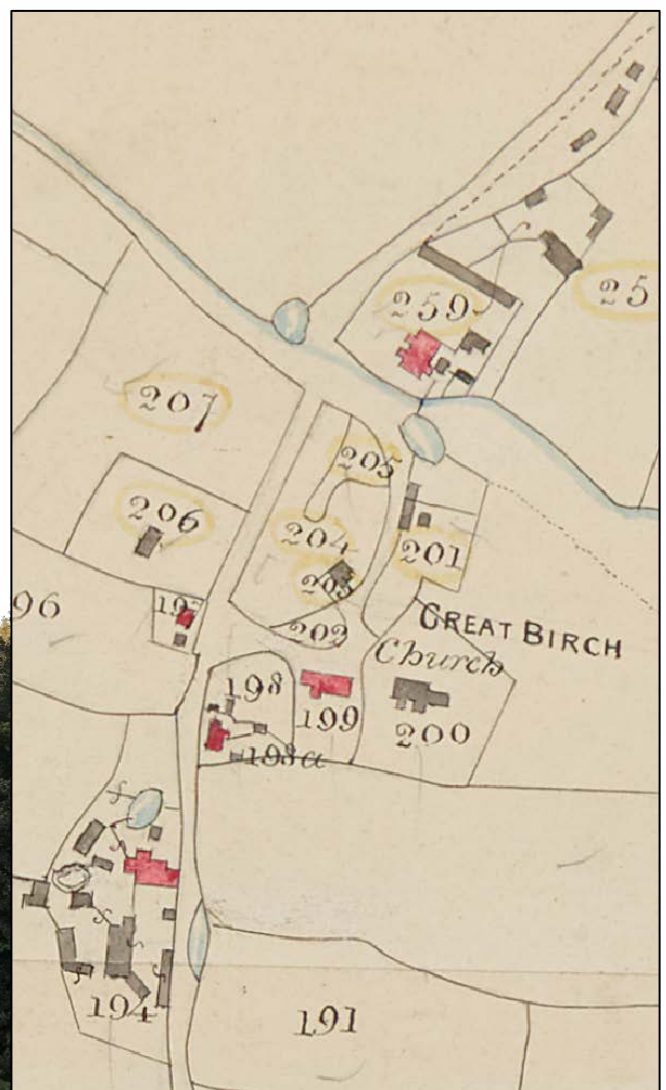


Figure 11 : Tithe Map [St Peter's]



## ■ 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.



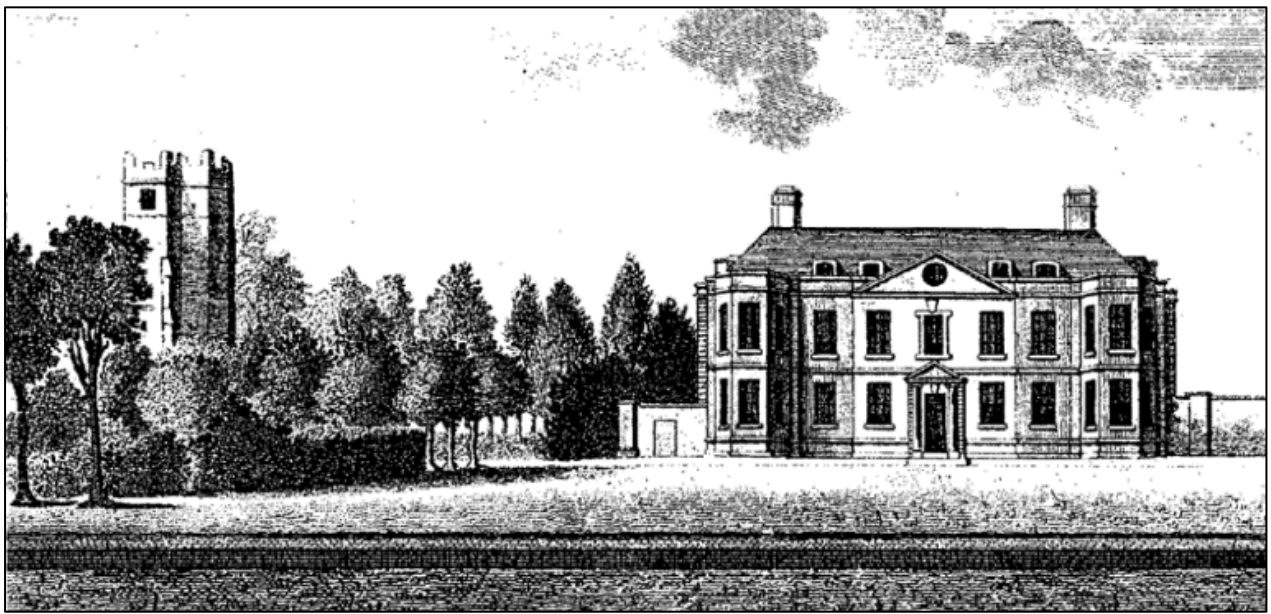


Figure 15: Little Birch Hall 1772



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.

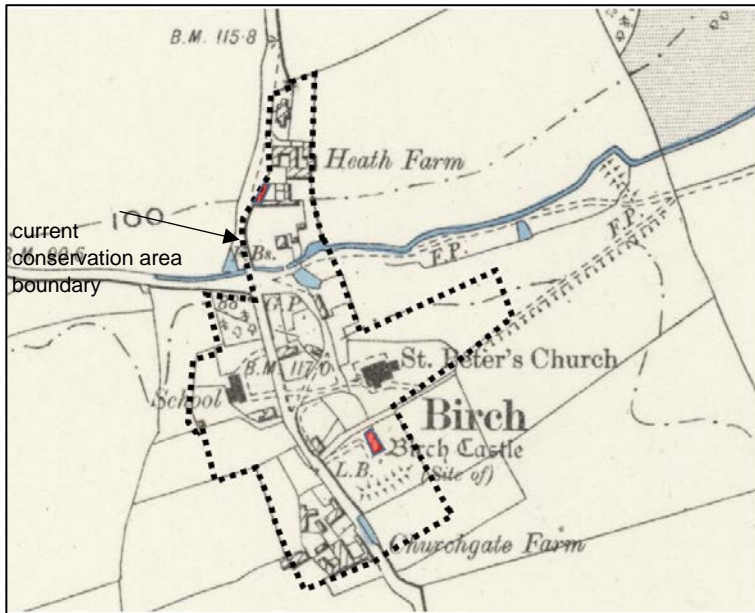


Figure 20: OS six-inch England and Wales: 1898 buildings shown red are those added since the 1881 OS map

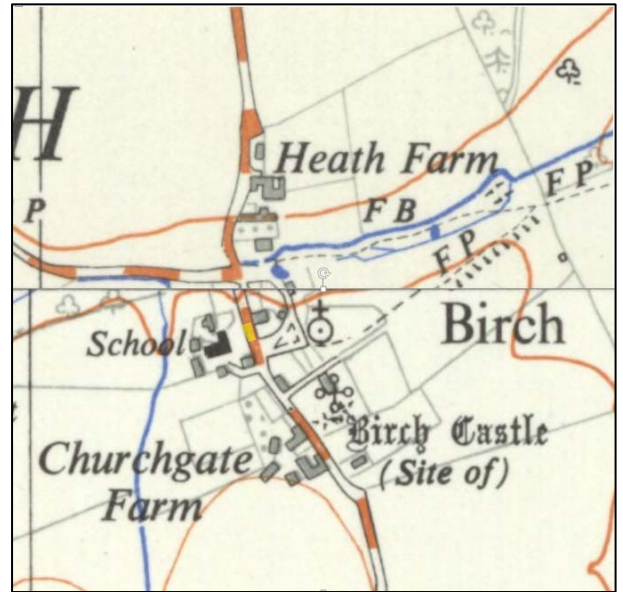


Figure 22: OS 1:25000 1955: buildings shown yellow are those added since the 1923 OS map

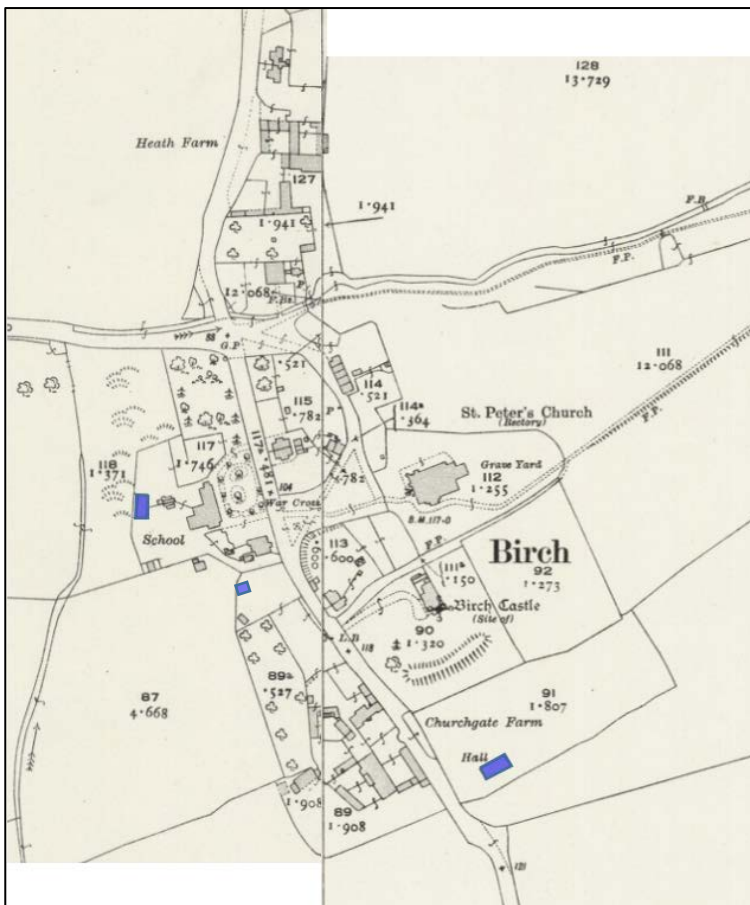


Figure 21: OS six-inch England and Wales: 1923 with additions from 1898 map added in blue

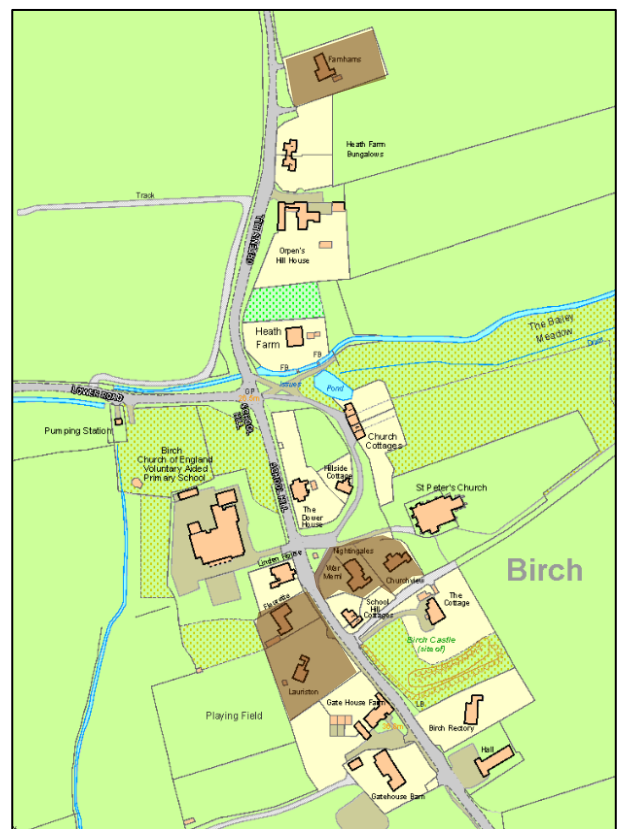


Figure 23: Birch today: buildings shown brown are those added since the 1955 OS map

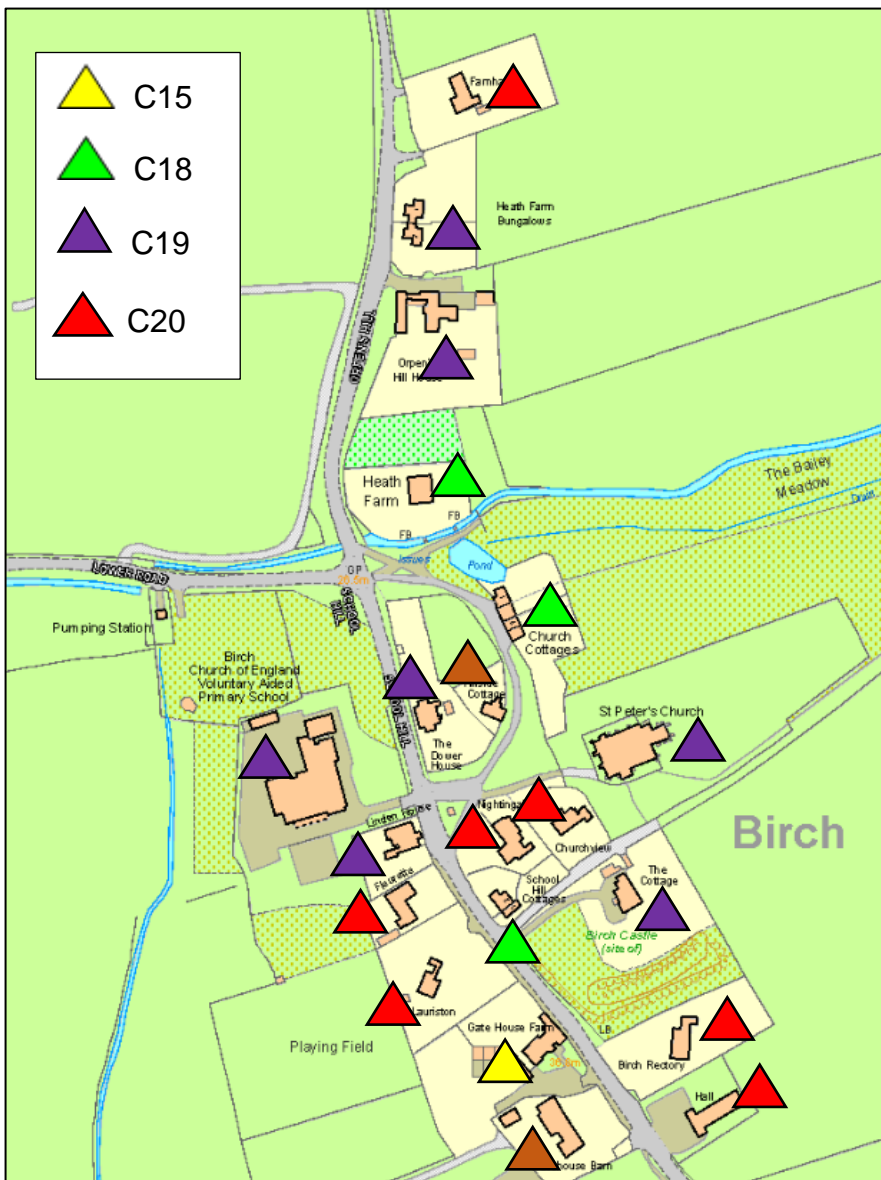


Figure 24: Building Ages

**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)

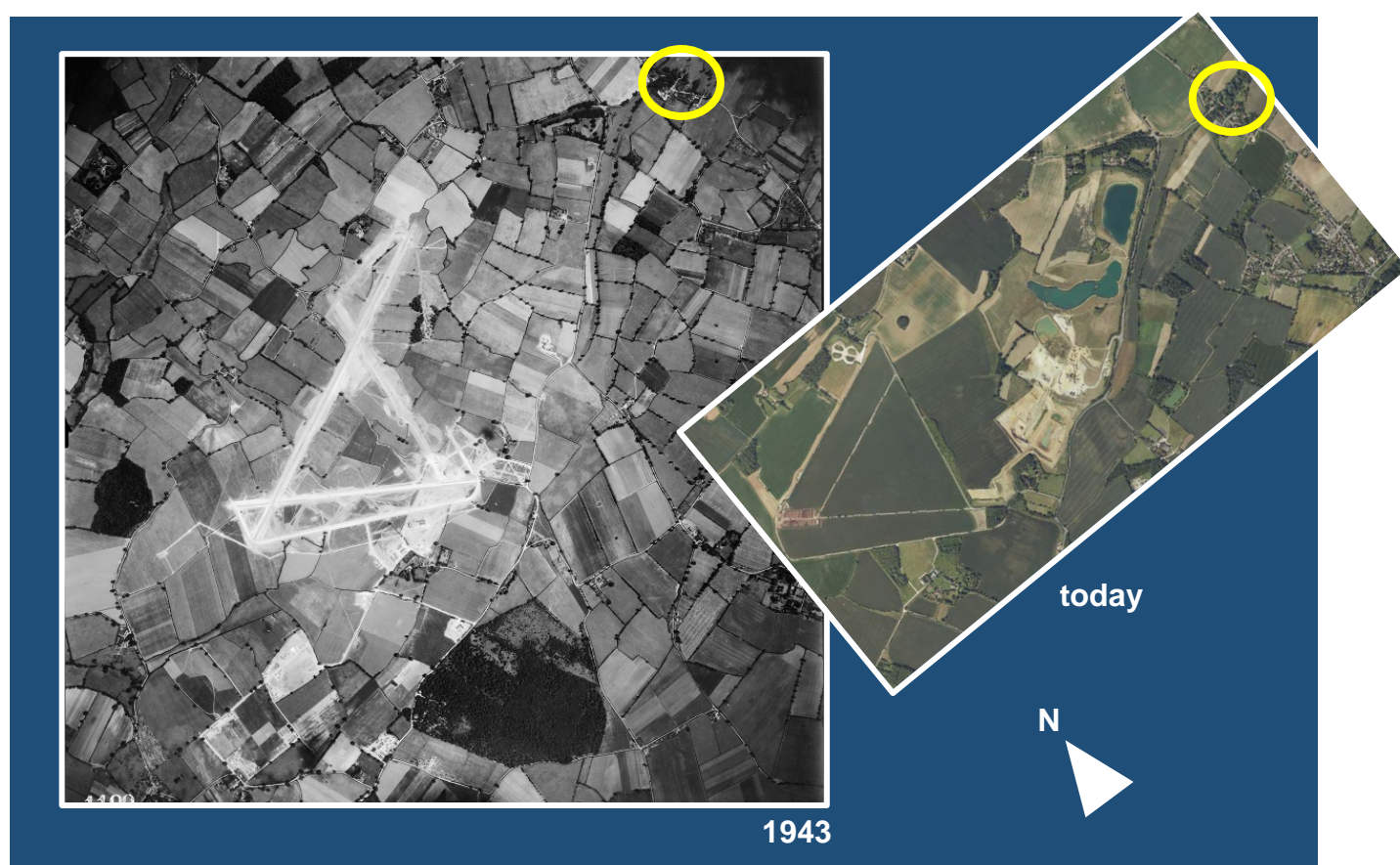


Figure 26: Birch Airfield July 1943

## 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

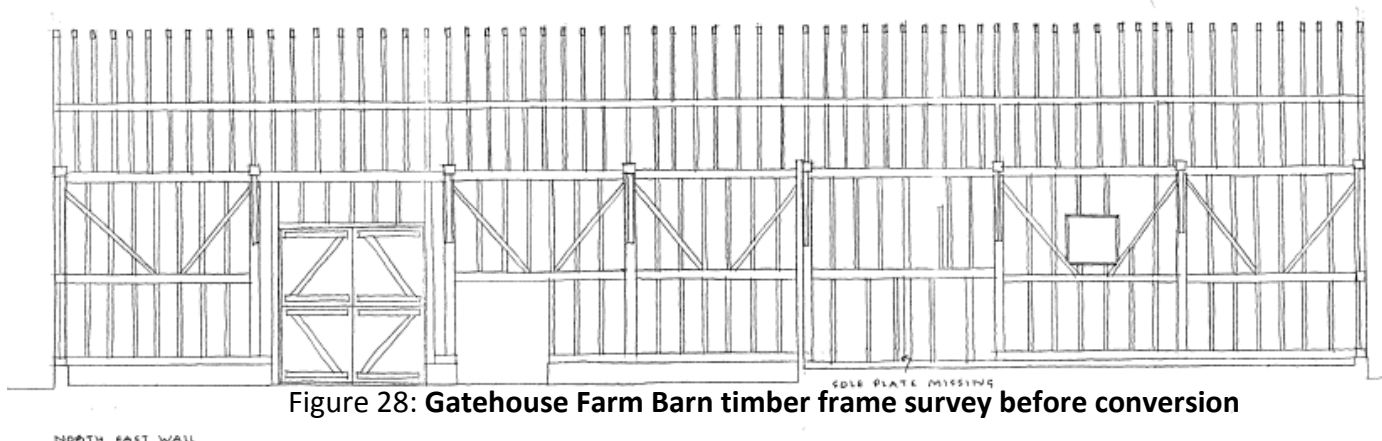


Figure 28: Gatehouse Farm Barn timber frame survey before conversion





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.

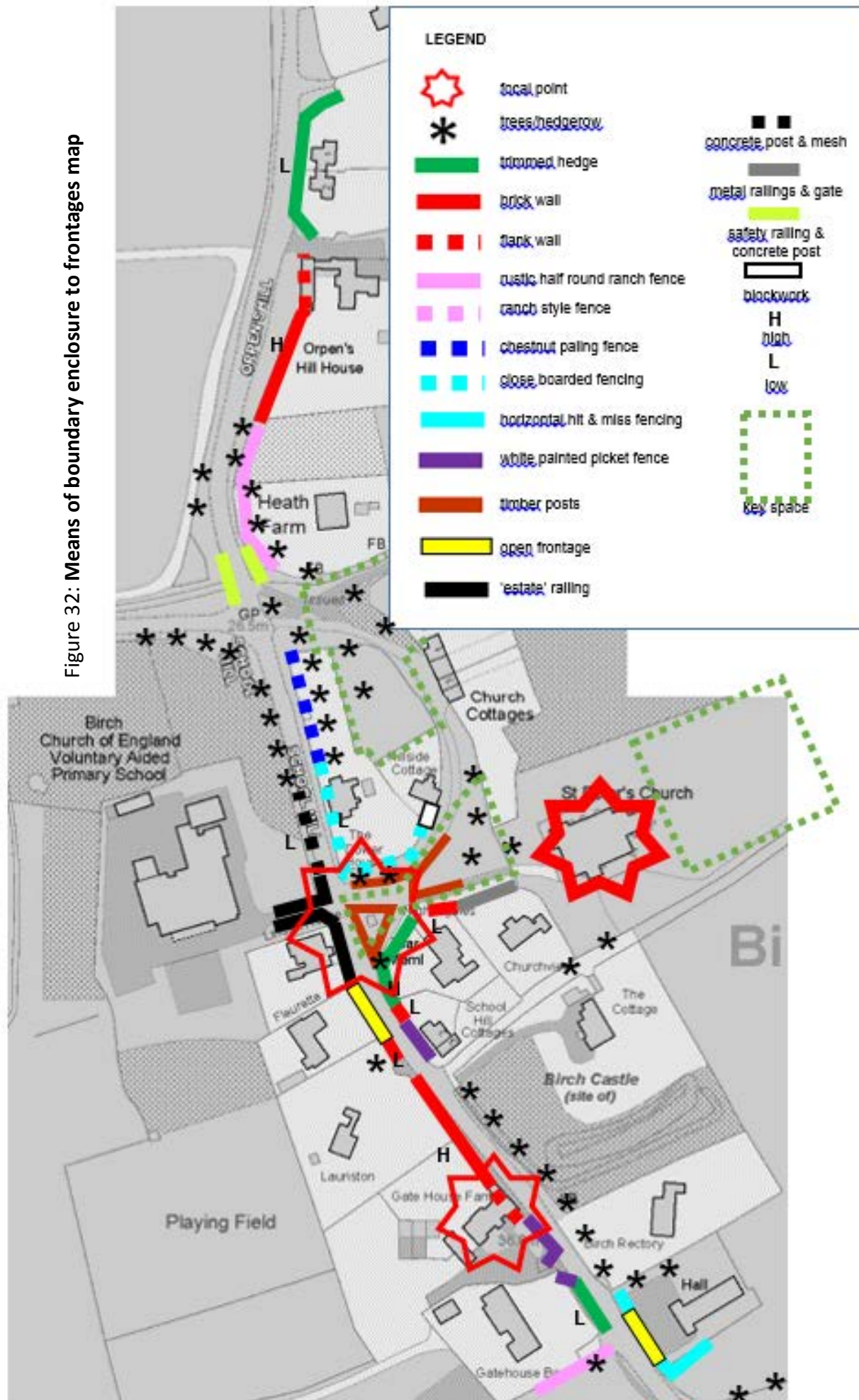
### 1.13 Heritage at Risk

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





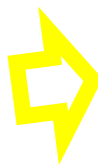
key 'space'



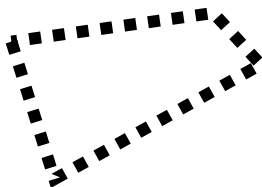
route



confined narrow  
character



open aspect

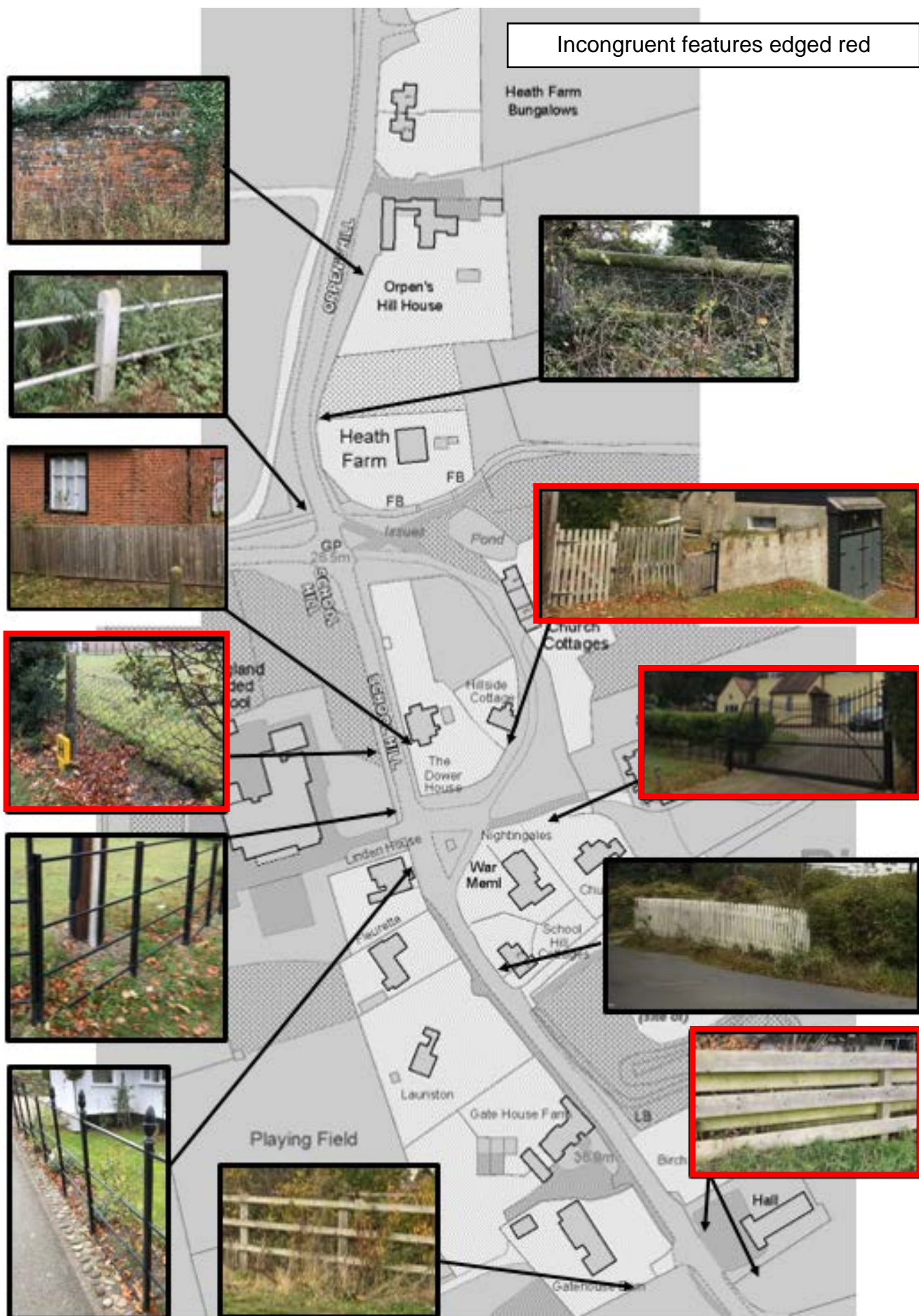


Village Green

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]





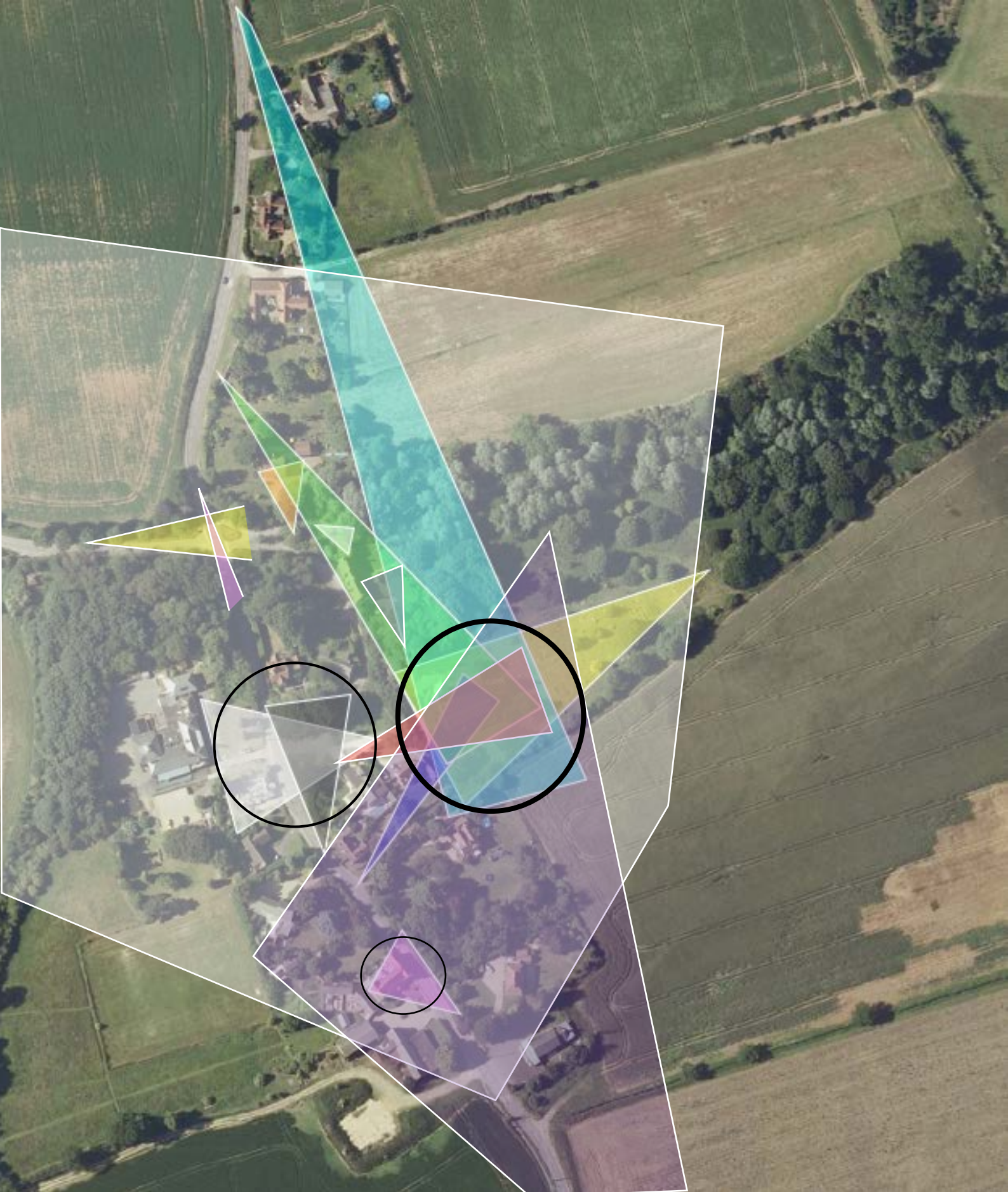


Figure 39: Key Views and focal points



## 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]

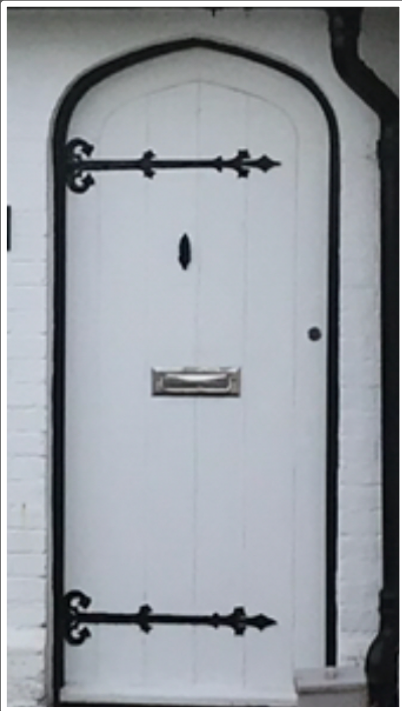


Figure 45: Heath Farm Cottages

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,

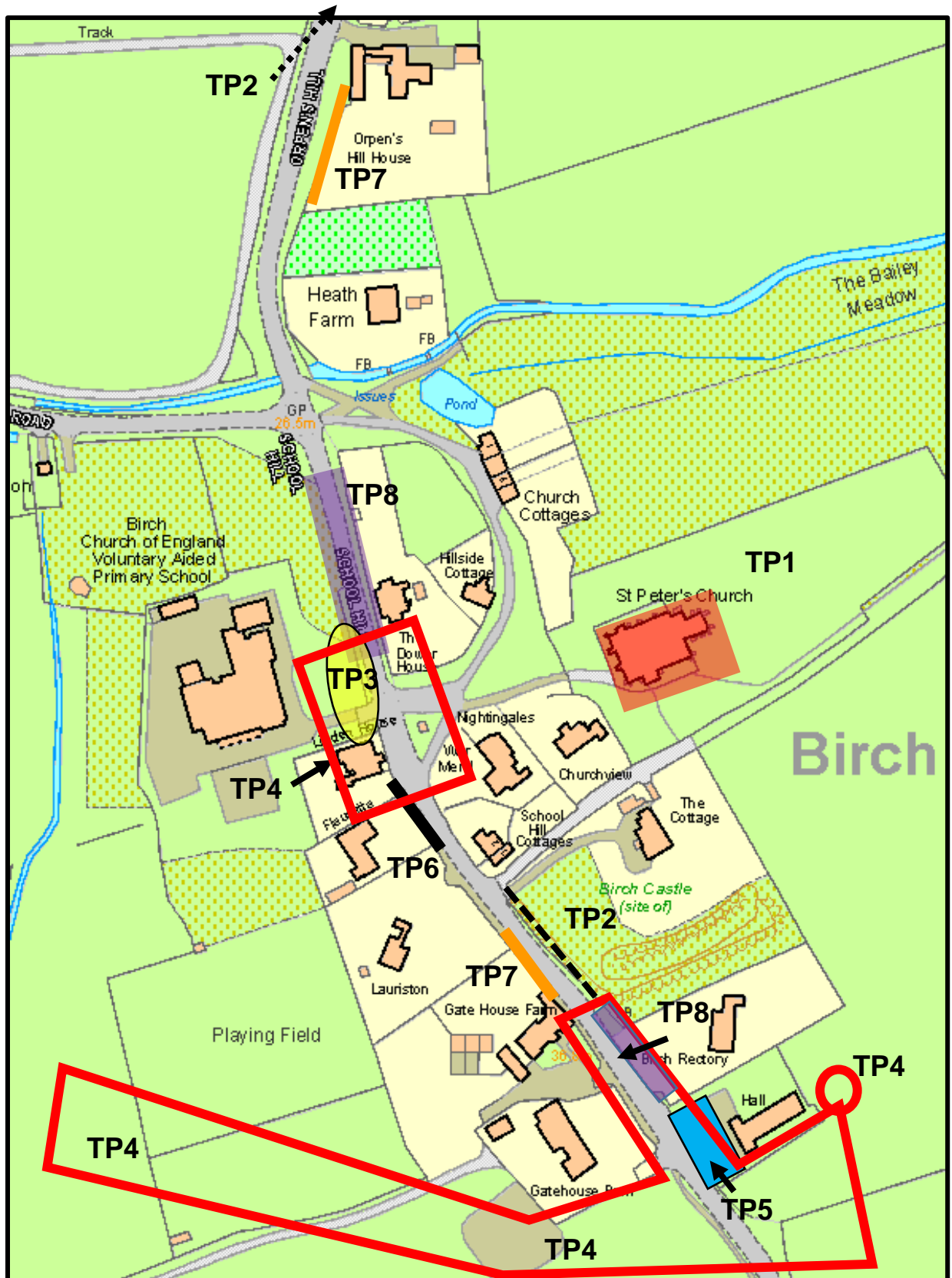
TP5: The Council will work with the Village Hall Committee to encourage the provision of appropriate form of enclosure to the front of the Village Hall car park in order to repair the uncharacteristic gap in the street frontage and thereby enhance the character of the conservation area;

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.



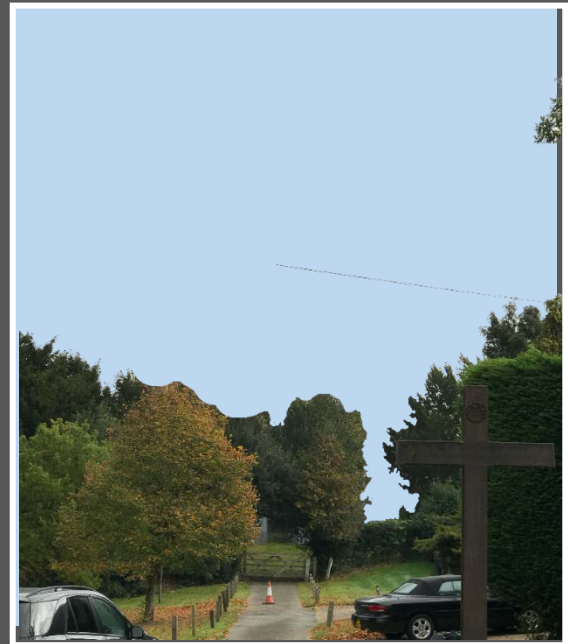
Figure 66 (t) & 66a (b): View from Lower Road





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**



Blank page

**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





## 2.19 REFERENCES AND SOURCES

[illegible]

## 2.20 USEFUL CONTACTS

Vincent Pearce MRTPI

Planning Projects Specialist

[vincent.pearce@colchester.gov.uk](mailto:vincent.pearce@colchester.gov.uk)

01206 282452 (Wed, Thurs & Fri)

Dr Jess Tipper FSA, MCIfA

Archaeological Advisor

[jess.tipper@colchester.gov.uk](mailto:jess.tipper@colchester.gov.uk)

01206 508920

Simon Cairns MRTPI, IHBC

Major Development & Planning Projects Manager

[simon.cairns@colchester.gov.uk](mailto:simon.cairns@colchester.gov.uk)

01206 508650

# Birch Conservation Area

a character appraisal & management proposals



March 2018

**19 March 2018**

**Report of**

Assistant Director:  
Corporate and Policy

**Author**

Vincent Pearce  
☎ 282452

**Title**

Consultation on a Proposed New Conservation Area to be known as Mill Field Estate Conservation Area [area bounded by Maldon Road, Constantine Road, Butt Road & Beaconsfield Avenue]

**Wards affected**

New Town and Christ Church

## 1.0 Executive Summary

- 1.1 This report seeks Committee approval to consult with the public on the Draft Mill Field Estate Conservation Area Character Appraisal and Management Proposals Document. The Appraisal analyses the key components that contribute to making the area worthy of designation as a conservation area. Included in the document is an assessment of positive and negative features and key issues. It follows an established format for such documents. The need for such consideration has been triggered by the risk that the area's special architectural and historic character will be eroded by insensitive development. In this context it is considered necessary to give additional statutory conservation protection to the area by the designation of a new conservation area.

## 2.0 Recommended Decision

- 2.1 That the Local Plan Committee agrees to the Consultation Draft Colchester Conservation Area Character Appraisal & Management Proposals being subject to formal public consultation for a six-week period commencing in March/April 2018; and,
- 2.2 That the results of that consultation be reported to the Local Plan Committee at the earliest opportunity along with any proposed amendments to the content where appropriate with a view to that document being formally agreed to enable the statutory Designation process to be legally pursued.

## 3.0 Reason for Recommended Decision

- 3.1 The Local Plan Committee is asked to agree these recommendations in order that the proposed new conservation area can ultimately be afforded significant weight as a material planning consideration in the determination of development management decisions.

## 4.0 Alternative Options

- 4.1 With potential impending pressure for change the option of doing nothing has been rejected as a recommendation. Such an action would be contrary to the Council's duty under S69 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as follows:

"... from time to time to 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 (para 69 (1) (b) shall designate those areas as conservation areas."



- 4.2 Another option would be to agree different boundaries. The streets included within the draft Conservation Area were identified as significant by the Colchester Historic Buildings Forum and it was considered to be a more effective response to create a conservation area as opposed to adding the properties to the Local List. Officers in proposing the boundaries identified for the Mill Field Estate Conservation Area believe them to be logical and comprehensive and sufficient to protect the intrinsic special character of the area.

## **5.0 Background Information**

- 5.1 In undertaking this Appraisal and Management Proposals the Council has followed advice in Section 12 of the NPPF and relevant guidance including Historic England (2016) Conservation Area Designation, Appraisal and Management. Field surveys have been undertaken and used to inform the document.
- 5.2 'Significance' lies in the value of a heritage asset to this and future generations because of 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 the proposed conservation area 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 the starting point the significance of the proposed conservation area can be summarised as:

### **5.2.1 Evidential**

With its largely cohesive character the proposed conservation area captures the rapid Victorian expansion of the Town into new suburbs to the south. Currently only one building in the proposed conservation area is listed but the streets within it have a strong uniform historic character. The proposed area also has an interesting and intimate relationship with Colchester Garrison which is itself within an existing conservation area. It demonstrates how the existence of a major Victorian garrison drove other development southwards beyond the town wall.

### **5.2.2 Aesthetic.**

Within the proposed conservation area you find predominantly Victorian era buildings with a wealth of detailing, cohesive uniformity, grace and charm.

### **5.2.3 Historical:**

The Mill Field Estate represents the dramatic transformation of the rural fringe that skirted the Town centre to the south to new suburbs almost at a sweep. This was a major period of urban expansion of the town into former agricultural fields.

### **5.2.4 Communal:**

It reinforces our typical [and perhaps now much rarer to find in reality] view of a typical Victorian suburb. It is also a reminder of how Colchester has had previous periods of rapid expansion to match those of today. It also reflects the rise of the middle-class in Colchester.

- 5.3 Many children still attend Hamilton School providing a direct connection with the past and a very strong foot in the present.

- 5.4 Additional planning controls within a Designated Conservation Area include restricted permitted development rights when compared to other areas and greater controls over works to trees. Both of these reduce the risk of unacceptable alterations being made and development occurring that might harm the areas special character. Such designation also means that those intending undertaking development requiring planning permission have to provide a heritage appraisal to demonstrate that the proposed development will preserve or enhance the character of the conservation area. When considering the merits of any development proposal within a conservation area the Council as local planning authority must also demonstrate that it has had due regard to heritage considerations when determining such applications.

## **5.5 Conclusion:**

The area has seen largescale redevelopment immediately to its east in the Garrison Conservation Area. This appraisal has recognised that whilst planned change can potentially be accommodated if approached sensitively, the area is vulnerable and does have special historic and architectural merit worthy of greater statutory protection.

- 5.5 The Council believes that the fact that the area is on a major walking route into and out of the Town Centre brings with it great pressure for change, whether that be from the demand for more homes in an attractive area or from the pressure from existing residents to alter or extend their homes. Being a conservation area will allow for a development management that will reconcile these competing demands with the need to preserve and enhance the areas special character
- 5.6 It is proposed to describe the new conservation area as the Mill Fields Estate to reflect its Victorian suburban origins and the former windmill that preceded the Victorian terraced housing.

## **6.0 Equality, Diversity and Human Rights implications**

- 6.1 The designation of a conservation area as proposed will not result in adverse impacts in terms of equality, diversity and human rights as every property owner will be consulted in respect of the draft proposal and responses analysed and appropriate mitigation applied in the event of the proposal moving on to the formal designation process.

## **7.0 Standard References**

- 7.1 There are no particular implications related to community safety; health and safety and risk management.

## **8. Strategic Plan References**

- 8.1 The Council's Strategic Plan 2018 – 2021 includes Opportunity as a key objective and one of the priorities under this theme is to 'promote and enhance Colchester borough's heritage and visitor attractions to increase visitor numbers and to support job creation.'

## **9.0 Consultation**

- 9.1 It is intended to undertake a six-week public consultation exercise. All properties within the proposed conservation area will be individually notified in writing in advance and the consultation process explained. Additional consultations will be sent to Historic England, the Victorian Society and the Civic Society. The Council's website will carry full details of the Draft Document and responses can be made electronically or in writing. Contact officer

details will be published. All responses will be reported to a subsequent Local Plan Committee meeting and amendments to document content may be proposed as a result.

## **10.0 Publicity Considerations**

- 10.1 The publishing of the report and the draft Appraisal may generate publicity for the Council. Although some property owners may feel the designation of a Conservation Area will restrict what they can do to their land/property, on balance the Council should be seen in a positive light for being proactive in publishing the Appraisal and Management Plan.

## **11.0 Financial implications**

- 11.1 There are no significant financial implications for the Council. An Article 4 direction is recommended as part of the management proposals (see page 27/8) and the effect of this would be to bring certain classes of permitted development under planning control. In order to carry out these categories of permitted development, the submission of a planning application would be required. This does not carry a fee but in the event that planning permission were refused for these categories of development normally permitted by the GPDO 2015 in a conservation area (Article 2(3) land) then applicants could seek compensation for potential loss of value. This is a technical risk only that has not been experienced in association with such directions elsewhere in the Borough or nationally.

## **Appendices**

The Draft Conservation Appraisal & Management Plan document

## **Background Papers**

None

# MILL FIELD ESTATE CONSERVATION AREA



Colchester

## Mill Field Estate

## Conservation Area Appraisal and Management Proposals

# CONSULTATION DRAFT

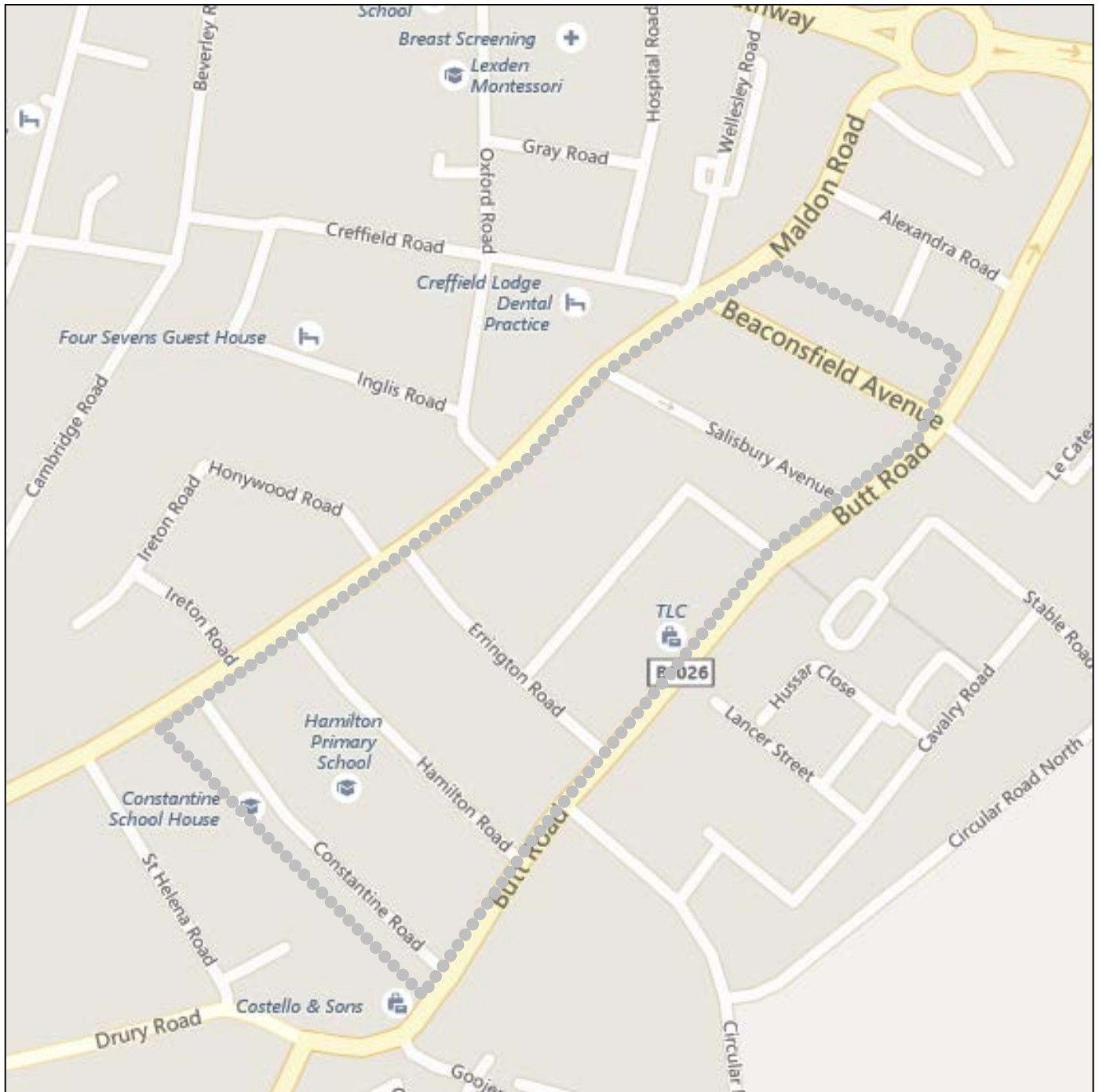




# **Mill Field Estate Conservation Area**

## **CONSERVATION AREA CHARACTER STATEMENT & MANAGEMENT PROPOSALS**

Front Cover photograph: VE Day celebrations, 1945. Wickham Road facing south west, towards Errington Road



General location

Libby Kirkby-Taylor  
Colchester Borough Council

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## Part A - Character Statement

### Introduction: Statutory basis & guidance aims

Conservation areas are 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance', (Planning (Listed Buildings and Conservation Areas) Act 1990 (section 69.1). They were introduced by the Civic Amenities Act, 1967.

Designation of a conservation area extends planning controls over certain types of development, principally the demolition of unlisted buildings and works to trees. Local Authorities will also formulate policies to preserve the character of their conservation areas. However designation does not prevent any change within conservation areas, and they will be subject to many different pressures, both good and bad, that will affect their character and appearance.

The character of conservation areas does not derive simply from the quality of individual buildings, but also depends on the historic layout of property boundaries and thoroughfares; on a particular 'mix' of uses; on characteristic materials; on appropriate scaling and detailing of contemporary buildings; on the quality of advertisements, shop fronts, street furniture; and hard and soft surfaces; on vistas along streets and between buildings; and on the extent to which traffic intrudes and limits pedestrian use of spaces between buildings. Thus it is ordinary buildings, and the spaces between them, which it is important to preserve and enhance if conservation areas are to retain their special character.

Local Authorities have a duty to designate conservation areas and to formulate policies for their preservation and enhancement. They are advised to review each conservation area from time to time, to ensure it has an up-to-date character appraisal which sets out its special architectural or historic interest and that its boundaries are appropriate. The character appraisal will be the basis for the management of the area, including development control and the preparation of enhancement proposals. Management proposals for the conservation area should be published in conjunction with the character appraisal.

The purpose of this conservation area appraisal is to assess the streets between Maldon Road and Butt Road from Beaconsfield Avenue to Constantine Road for possible designation as a newly designated conservation area. In doing this it will:

- Identify the area's special interest
- Suggest conservation area boundaries
- Consider strategies for management of the area, forming part of the evidence base for the council's Local Plan in the form of a supplementary planning document
- Provide a basis for implementing policies and for making informed development control decisions.

The character appraisal will lead to the management proposals, which will

- Assess the need for enhancement to public spaces, highways and private property
- Consider the need for article 4 directions to limit permitted development rights
- Assess buildings at risk
- Assess the need for enforcement action
- Establish procedures for implementing and monitoring proposals

## **1.0 Designation, location and boundaries**

### **1.1 Designation**

It is proposed that this neighbourhood should be designated as a conservation area. There is one statutorily listed building in the proposed conservation area and three locally listed buildings. Most of the buildings in the proposed conservation area were nominated for local listing by the Colchester Historic Buildings Forum for their local interest and architectural quality. The conservation area is proposed as a more robust alternative, as it is a means of protecting the buildings within it as well as the spaces between them.

Four trees are protected by a Tree Preservation Order. There are no scheduled ancient monuments within the boundary of the proposed conservation area.

### **1.2 Location**

The character area lies to the south of the town centre, divided from the town centre by Southway and the large roundabout at the top of Balkerne Hill. It is bounded by Maldon Road to the west and Butt Road to the East. Its most southern street is Constantine Road, its most northern is Beaconsfield Avenue.

The Colchester Borough Historic Environment characterisation Project 2009 placed the character area into Historic Environment Character Area 5 (Modern Colchester). It states:

Following the arrival of the railway in the 19th century to the north of the town, and the subsequent development of an engineering industry, terraced housing for factory workers spread out from the medieval and post medieval suburbs, taking over land to the south of the town that was previously occupied by the original garrison in New Town and around Old Heath Road and also along Maldon Road. These Victorian suburbs are characterised by regular block and street patterns and terraced housing interspersed with the occasional 'villa-style' house (p 49).

The area sits between the Garrison Conservation Area, which is to the east of Butt Road, and the southern boundary of the Colchester Conservation Area 2.

### **1.3 Boundaries**

The boundaries of the conservation area are drawn to recognise the strong cohesion of the architecture of the streets. For this reason the more varied villa type housing along both sides of Maldon Road are excluded. This is not to deny their architectural merits; many of the buildings along Maldon Road display an exuberant character that gives a pleasant and lively effect. Their individuality however is at odds with the character of the buildings within the proposed conservation area. It is likely that on review of Colchester Conservation Area 2 these buildings could be incorporated in an extension of the boundaries. Their character is undoubtedly more related to the villa-type of housing more commonly seen within that conservation area. However the houses at the corners of Maldon Road have an immediate impact on the character of the conservation area, particularly because of their long rear gardens, the boundary treatments of which affect the character of the conservation area as well as views in and out of it. For this reason these buildings are included in the area.

The eastern boundary of the conservation area runs down the middle of Butt Road. Usually this would be considered bad practice, but the other side of the road is within the Garrison Conservation Area. In contrast to Maldon Road the houses on the west

side of Butt Road are similar in character to those within the proposed conservation area, and their inclusion is therefore logical.

The southern boundary is drawn at the back of the gardens on the south side of Constantine Road. St Helena Road has a quite different character with buildings of a much later type. The northern boundary is drawn at the back of the gardens on the north side of Beaconsfield Avenue. The inclusion of Alexandra Road and Alexandra Terrace was considered but their character is too different and the architecture too varied to relate well to the proposed conservation area. Both include some distinctive buildings of architectural merit and their inclusion on the local list should be reconsidered.

Some areas and buildings in need of enhancement through sympathetic redevelopment have been included within the conservation area in the interests of securing enhancement in the long-term.



Figure 1: Designation Map

## **2.0 Geology and topography**

The topography rises eastwards from Maldon Road to Butt Road and more gently upwards from north to south. This gives an interest to vistas along the roads, and a variety to views within the area. The impact of the sloping ground on the terraced streets within the conservation area is differing eaves heights, stepping up gradually along the street with resulting interesting articulation in views along the street.

The 2009 Colchester Historic Environment Characterisation Project identifies the geology of the area to be Kesgrave Sands and Gravels. In Palaeolithic times the area was within the area of the river Kesgrave and the sands and gravels were deposited along its course at that time<sup>1</sup>.

## **3.0 Archaeology**

Between 1<sup>st</sup> and 3<sup>rd</sup> centuries AD there were extra mural settlements outside the main gates into the town and large cemeteries are known in Lexden and to the south at Butt Road and in Abbey Fields, where a Circus was also located. The Colchester Historic Environment Characterisation project identified limited potential for below-ground remains beyond a few stray finds, mainly of Roman coins and ephemera. Any future finds in the neighbourhood are likely to be restricted to remaining areas of open space, none of which fall inside the conservation area boundaries<sup>2</sup>.

The former Colchester Borough Council archaeologist, Martin Winter, has explained “The character area is rather a blank in the archaeological record with limited survival of below ground remains. The only finds have been a handful of Roman coins and about five burials. There are a number of possible reasons why this may be so, including lack of antiquarian interest at the time the area was developed, although this is unlikely because finds were recorded in the 1840s at the Butt Road sand pit, which is approximately the site of the present day police station, and during the development of the cavalry barracks at the garrison in the 1870s. The area has not been subject to systematic archaeological investigation. Although in the last thirty years a few watching briefs have been undertaken, nothing has been found. The re-development of the Salisbury Hotel also produced nothing. Perhaps most persuasively the location was always regarded as valuable farming land, being reasonably close to the town, and was preserved as such. We know from excavation at the Garrison that cemetery areas were rigidly delineated from non-cemetery areas by large ditches. The same situation occurs on the east side of town where very few archaeological finds are recorded”.

The Victoria County History observes that Maldon Road, once Maldon Lane, is probably of Roman origin, whereas Butt Road is probably medieval, and presumably named as the route to the ‘butts’: the public archery practice area.

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<sup>1</sup> (p.156)

<sup>2</sup> P157



## 4.0 Development history



Figure 2: Detail of the 1777 Chapman and Andre map of Colchester showing Maldon Lane (later Maldon Road) and Butt Road. Note the Butt Windmill shown just to the west of Butt Road.

The 1882 Ordnance survey map still shows the Butt mill, on the west side of Butt Road, which was built between 1660 and 1662 when it was conveyed to John Gibson, miller of Middle mill. The mill was rebuilt soon after 1779, and again, after a fire, in 1787. In 1824 it was a post mill with three pairs of stones over a brick roundhouse. It was repaired after storm damage in 1852 but was demolished in 1881, so its appearance on the 1882 map probably indicates the elapse of time between the survey and the publication of the map.

Comparison between the 1882 map and the 1896 map shows the speed of development in a relatively short length of time from fields and scattered cottages to the straight regimented streets we associate with Victorian suburbs. Note also the development of the adjacent garrison buildings to the south east of the area.

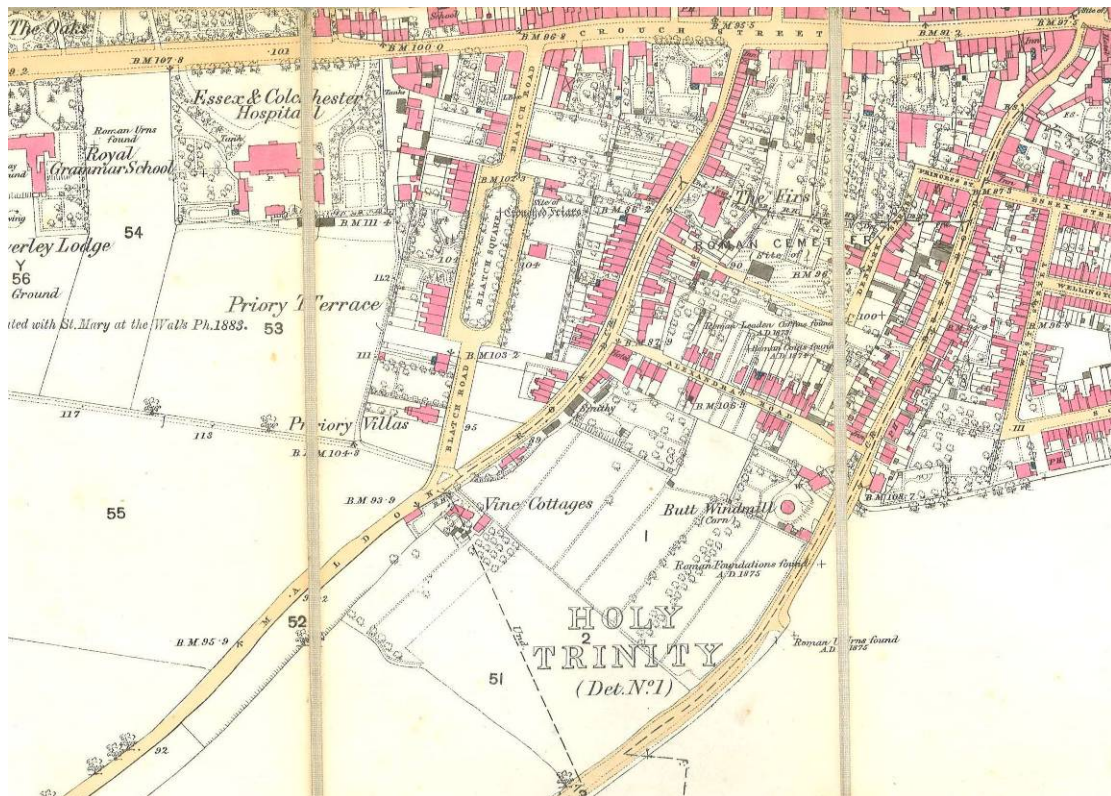


Figure 3: Second Edition Ordnance Survey map 1882



Figure 4: Third Edition Ordnance Survey map, 1896

#### 4.1 Historical development

Until the mid 19<sup>th</sup> century the town of Colchester was largely contained within the town walls with villages surrounding the urban area. The conservation area represents an early phase of development outside the walls, dating to a similar time to New Town. From 1879 Beaconsfield Avenue and Salisbury Road were laid out on



the Mill Field Estate by Henry Jones, who was a local lawyer and businessman<sup>3</sup>. These were the first to be built followed in order going south by the streets down to Constantine Road, which was fully developed by 1914<sup>4</sup>. The rapid development of the streets resulted in the strong architectural coherence of the area.

Each street seems to have been laid out as the first initial step by an 'entrepreneur' out to make a nice profit and then the buildings appear over a number of years as the plots are bought and built on by different builders each with their own slightly different designs which is why somewhere like Beaconsfield Avenue has got such an interesting mix of much the same kind of buildings along its length<sup>5</sup>.

Phillip Crummy, director of the Colchester Archaeological Trust has concluded that the streets were built within the following dates: Beaconsfield Avenue (1890-1894+), Salisbury Avenue (1891-95), Wickham Road (1899-1902+), Errington Road (1901-5+), Hamilton Road (1902-3+), and Constantine Road (1905-6+).



Figure 5: Pre-Second World War Beaconsfield Avenue, note the design of the railings and young street-trees

## 5.0 Townscape character:

### 5.1 Overview

The area is to the south of the town centre between Maldon Road and Butt Road. The streets have a largely cohesive character, dominated by semi-detached and terraced two-storey houses that are typical of the late Victorian period. The plots tend to be long and narrow, resulting in a fine urban grain and high building density through the closely spaced houses. The streets, while cohesive in their architectural language, all show sufficient variation in their detailing to make it clear that they were sold as small groups of plots for development to different people.

<sup>3</sup> VCH. From: 'Stanway: Introduction', A History of the County of Essex: Volume 10: Lexden Hundred (Part) including Dedham, Earls Colne and Wivenhoe (2001), pp. 259-263. URL: <http://www.british-history.ac.uk/report.aspx?compid=15273&strquery=henry> Date accessed: 21 January 2014.

<sup>4</sup> From: 'Modern Colchester: Town development', A History of the County of Essex: Volume 9: The Borough of Colchester (1994), pp. 199-208. URL: <http://www.british-history.ac.uk/report.aspx?compid=21988> Date accessed: 20 January 2014.

<sup>5</sup> E-mail from Phillip Crummy 2 December 2013

They are of middling status; two storeys high and narrow in relation to their depth. Their scale is modest, domestic and human. Generally the buildings are faced in red or yellow stock brick with slate roofs and some enrichment around windows, doors and at the eaves and verges. String courses and decorative brickwork influence the character as do the ubiquitous vertical sliding sash windows and the ground and two-storey bay windows. Corner buildings are unusual but where they occur, while they are somewhat grander than others on the streets, they are not noticeably taller.

Most of the streets were occupied by people whose occupations might be considered lower-middle class. The Kelly's Directory of 1906 lists among others an insurance clerk a builder, bailiff, commercial traveller, an agent for a firm of furniture dealers, a boot and shoe repairer, dressmakers, shopkeepers and, perhaps unsurprisingly for streets so close to the barracks several sergeant majors. Beaconsfield Avenue and Salisbury Road have many people simply listed as 'householder'.



Figure 6: A view looking west down Beaconsfield Avenue towards Maldon Road.

The rows of terraces and closely spaced semi-detached houses form a horizontal rhythm of strongly vertical building elements, and the regular building line, set back from the pavement, provides a palpable sense of enclosure along the streets. Where front boundaries survive the feeling of enclosure is emphasised; the boundaries clearly defining public and private spaces. In common with many streets the railings were removed in the 1940s as part of the war effort and have not been replaced. The dwarf walls can look rather odd without railings, although many people have grown hedges in their place and this softens the effect. Where close boarded fences have been erected their impact is jarring and detrimental, particularly where they are combined with concrete posts.

## 5.2 Urban form, street pattern and street-scape.

The streets create a linear grid pattern, with only Wickham Road not running in a straight line, aligned approximately north west to south east. The streets are closely built up with houses on both sides and with few spaces between them. The roads are in one or two places punctuated by marginally more elaborate corner buildings with slightly richer detailing, a good example is the one on the south side of the road on the corner of Beaconsfield Avenue and Butt Road. However in most cases there are no bespoke designed corner buildings and thus the buildings at the ends of most streets squarely address one road or another. The result of this in most cases is an undeveloped gap between buildings occupied by private rear gardens. There is no



green open space or amenity space, although many roads retain some of their street-trees, and where this is the case the greenness adds a welcome sense of the changing seasons and a sense of life and movement to the generally quiet streets.

Although the houses stand close shoulder to shoulder, the streets are quite generous in their width, and rear gardens tend to be relatively long. In addition, even the most modest houses in the area have at least some garden to the front and the pavement widths are ample. The pedestrian therefore feels a pleasant feeling of enclosure without the sense of crowding experienced in the narrower streets of neighbourhoods originally built for the working classes.

While the roads are generally straight the sloping topography lends unexpected visual interest as views change and evolve along the street. The gentle topography means walls, pavements, windows and eaves have an interesting stepped appearance in response to the ground levels.



Figure 7: Townscape analysis map

Gardens, where they survive, give the houses a strong sense of privacy and clearly delineate public and private space. Where gardens and boundaries have been lost the feeling of enclosure and separation between the street and private land is



disrupted, harming the character of the area. The larger the front garden the more defensive the front garden is and this could be seen as an indicator of the original social status of the individual streets. Larger front gardens afford greater privacy and are usually indicative of the higher status homes. As the gardens provide a primary buffer from the street, the pavements provide a secondary one, and would particularly have done so in the past when the street trees were more frequent and in better condition. The result would have been a quiet 'respectable' atmosphere despite the high density of residents.



Figure 8: The street trees make a positive contribution to the character of the conservation area.



Figure 9: The sloping topography gives additional interest to the already lively architectural language of the houses.





Figures 10 and 11: Boundary walls and street trees define the separation between public and private spaces.

### 5.3 Views, landmarks, buildings of townscape merit

The area is reasonably visually enclosed and there are few notable views out of the area. The most significant view is looking north along Butt Road, although this one is somewhat negative, dominated by large scale mid-twentieth century buildings whose character is at odds with the conservation area in terms of scale, massing, size and detailing. Views along the streets are given additional interest by the sloping ground and are frequently attractive and evocative of their period.



Figure 12: The view north up Butt Road is dominated by large modern buildings that relate poorly to the character of the conservation area



Figure 13: Generally it is the repetition of architectural closely related elements that defines the character of the area. Here the garage inserted into a front elevation, the occasional roof light and satellite dish and the one building with grey painted joinery are the alien elements that catch the eye and detract from the visual unity.

The cohesive and consistent architecture means that there are few landmarks within the conservation area. The most distinctive buildings tend to be the negative ones, notable for their jarring visual impact. The obvious exception to this is Hamilton School, larger both in size and scale, but whose architectural features and character are closely aligned to the locality and which constitutes a positive landmark building.



Figure 14: Hamilton School, while much larger than other buildings nearby shares its architectural language with the area and this combined with its location, set back far behind the building line ensures it contributes positively to local character.

There are several buildings included on the local list, as indicated in figure 1 (page 3). There are one or two buildings of architectural merit that do not relate closely to the character of the area but are considered positive because of their intrinsic merits and quality.





Figure 15: St Runwalds is the only statutorily listed building in the proposed conservation area.



Figure 16: The Cloisters, 84 Maldon Road, is a locally listed building, of similar date to the houses in the proposed conservation area, but the use of rubble-stone for the walls, with brick quoins gives it a distinctly different character from most buildings nearby.

Views are frequently marred by the inevitable rows of parked cars, and by the telegraph poles with their myriad wires to each property. The latter, at least, is theoretically resolvable.



#### 5.4 Open space and flora

There is little public greenery other than the street trees, which are sparsely distributed and usually quite young, they look little older than those in photographs taken not long after the buildings were constructed and must have been replaced relatively recently.

A relatively high proportion of street trees survive in Errington and Hamilton Roads. In the other streets they are somewhat sporadic and the character of the streets suffers for this.



Figure 17: The impact of the lack of street trees can be better experienced by comparison with another view of Wickham road below. Note the 'pock-marking' effect of randomly placed satellite dishes.



Figure 18: The street trees seen here make a positive contribution to character, distracting the eye from other unwelcome intrusions, such as the inappropriate streetlight and telegraph cables.

## 5.5 Paving and street furniture

There are some flagstones but in general concrete flags are in evidence. These replicate the flagstones and contribute to the character of the area. The kerbs are also concrete with no granite or Pennant sandstone kerbstones in evidence.

There are many old streetlamps remaining, which have been converted to electric with conversion boxes mounted high on the standard. The conversion boxes are somewhat inelegant but are a considerably better option than the ugly standard galvanised ones that have been installed in some places and have the character of motorway lighting rather than street-lights intended for use within a residential area.



Figures 19 and 20: The older street lights are elegant despite their ugly conversion boxes, whereas the modern oversized galvanised streetlight has little to redeem it.



Figure 21, left: Unwelcome street clutter is accumulating. Note the patchy tarmac on the pavement.  
Figure 22, right: An old street name plate mounted on a house





Figure 23: Street name plates make a positive contribution with their discreet appearance and quality materials.

Historic street nameplates survive alongside the modern ones, and contribute positively to the character of the area. Inevitably modern street clutter is accumulating, with green telecoms boxes, grey posts for traffic signs, including some that have the sign missing, and other paraphernalia. In some places multiple telecoms boxes are situated together and it must be questioned whether all are still in use or whether some are redundant. In general later additions tend to be insensitive. While the railings outside Hamilton School are clearly a sensible safety precaution their unpainted state presents a poor comparison to the tall black gates at the school entrance directly adjacent.

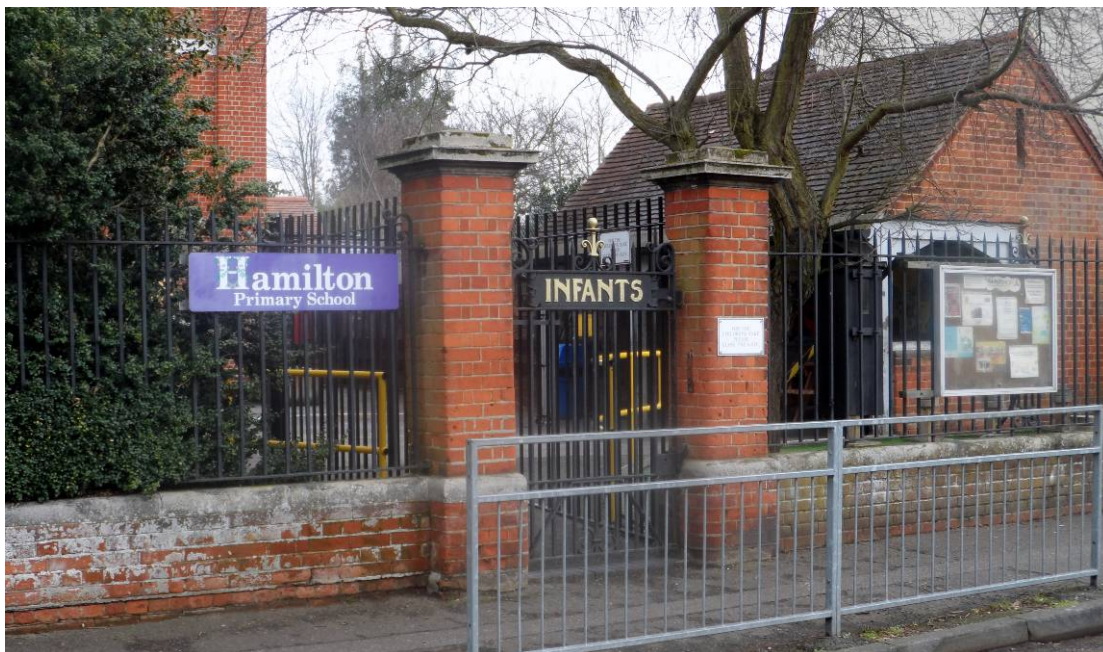


Figure 24: The galvanised safety rail compares poorly to the school railings and gates, and would be somewhat improved by painting them black to match.

## 5.6 Movement and tranquillity

Beaconsfield Road is a B road and consequently can be busy with cars cutting across from Maldon Road to Butt Road. At school opening and closing times both Hamilton Road and Constantine Road become busy with cars and pedestrians but for the remainder of the day the street is tranquil, as might be expected in a residential area.



## 5.7 Table of contributing and detracting features

Features that contribute to character	Features that erode character
Boundary walls and gardens Trees and shrubs in gardens Street Trees Tiled front paths Timber doors with decorative glazed panels Inset doorways Vertical sliding sash windows Bay windows Slate pitched roofs Decorative stonework around windows and doors Polychromatic brickwork used for decoration String courses Decorative eaves and verges Chimneys Cast iron rainwater goods Uniformity within the street Flagstones for pavements Historic street nameplates	Loss of definition between public and private spaces Hard-standings and Forecourts; cars parked in front gardens Missing boundary walls Garages Close boarded fences Unnecessary street clutter Concrete tiles on roofs Tarmac paths Plastic windows, especially when flush set or top-hung Plastic doors Rendered or painted brickwork Porches Satellite dishes Photovoltaic and solar panels Roof lights and dormers Buildings that do not reflect the uniformity of the area in their designs or alterations

## 6.0 Character areas

While there are no distinct character areas within the conservation area because of its architectural consistency and compact development period there are subtle variations in character. At the northernmost and southernmost ends the buildings are usually on larger plots and are usually semi-detached. At the heart of the area the grain is tighter with more terraced houses and smaller gardens. This might reflect the general social hierarchy of the streets.

The difference between the earlier and later streets in terms of the enrichment and decorative features on the facades of the buildings is discreet but in general the older streets have buildings that are more exuberant in their design, with timber fretwork including 'gingerbread' gables facing the street, decorative eaves, grander, more generous entrances and greater use of terracotta decorative panels.

The later streets employ more standard decorative elements in a more modest combination with less architectural variety, but their uniformity often results in harmonious and neat groups of houses.



Figure 25: An example of architectural exuberance derived from the combination of polychrome brickwork around windows and doors; white painted enrichment at eaves, gables, string courses, cills, windows and boundary walls; varied roof forms; large elegant bay windows, inset porches and the use of traditional scale and materials.

## 7.0 Significance of the conservation area and elements within it

The area is, primarily, significant because it is a cohesive area of turn of the century housing with surviving architectural character. This character contains evidence of Victorian ideals of status and home-life, privacy and respectability. It also gives evidence of the changing social and economic and political climate of the time.

Unlike New Town, the development of which was clearly affiliated to the Liberal party, any political affiliation associated with this development is unclear. It has been argued that the area was associated with the Conservative party, and the first two streets, Beaconsfield and Salisbury appear to have been named after the Conservative Prime ministers Benjamin Disraeli, later Lord Beaconsfield; and Lord Salisbury. However after this the association becomes less obvious. Sir George Errington was High Steward of Colchester and appears to have been a local landowner of Lexden Park, on whose land part of the area was built: the Essex Record Office holds a building plan of Hamilton Road belonging to "Errington's Trustees: owner"<sup>6</sup>. Perhaps he was also a banker; one of the two private banks in Colchester was Mills, Bawtree, Errington, Bawtree, & Haddock<sup>7</sup>. Wickham and Hamilton appear more obscure, neither appears in the Victoria County History of Colchester. Constantine Road was probably named after Constantine I the Roman Emperor who is popularly thought to be the son of St Helena, the patron saint of Colchester and the grandson of King Coel. This hypothesis is supported by the next (somewhat later) street to the south, which is St Helena Road.

<sup>6</sup> D/B 6 Pb/1681 Building Plan of Hamilton Road 1902, Essex Record Office

<sup>7</sup> From: 'Modern Colchester: Economic development', A History of the County of Essex: Volume 9: The Borough of Colchester (1994), pp. 179-198. URL: <http://www.british-history.ac.uk/report.aspx?compid=21987&strquery=errington> Date accessed: 24 January 2014

The area was clearly built-up in a series of small developments by different builders who must have bought pockets of land and developed them speculatively for profit. In contrast to the working class streets to the south including Wellington Road and South Street the buildings appear mostly to have been intended for the lower middle classes and it appears that this is an example of more affluent extra mural living. The grain of the housing becomes tighter in the heart of the conservation area and this probably reflects variation in social status of the different streets.

The grain is looser at the northern and southern ends of the conservation area although later streets Constantine Road and Hamilton Road show more restrained enrichment than Beaconsfield Avenue and Salisbury Road. This is likely to reflect changes in economic climate rather than social status.

## **8.0 Economy: land uses & values, vacant sites, future uses**

The neighbourhood is sought after and popular, with few houses for sale, and a generally high standard of repair. Hamilton School may contribute to this popularity. The area seems comfortable and reasonably affluent.

The vast majority of the buildings are brick built houses with little variation in this apart from Hamilton School. Nearly all the buildings are still used as dwellinghouses. The buildings in other uses are usually houses that have been converted and can still be identified as of the domestic type. Apart from the school there are two garages, a military tailors' shop, a small convenience store, a nursery, a hairdresser's and various other uses such as the Youth Service for Colchester Mind. Where new buildings designed for other uses have been built they tend to have a detrimental impact, particularly given the general uniformity of the area. However the military tailors' shop and convenience store at the eastern end of Constantine Road are of appropriate scale and have a generally positive impact: the traditional shop front of the former suits the character of the area and the latter is an appropriate use and is the last fragment, in this neighbourhood at least, of a necessary, and once ubiquitous, amenity.



Figure 26: this corner shop makes a positive visual contribution with its traditional shop front and signage; the newsagents provides a traditional and necessary amenity for the neighbourhood.





Figures 27 and 28: Purpose built commercial buildings do not usually contribute to the character of the area, and cumulatively they can seriously detract as a result of their alien design and signage, large hardstandings and visual blurring of the boundaries between public and private spaces.

There are no obvious vacant sites. The layout of the buildings has resulted in long rear gardens at either end of most of the streets, which have been subject to erosion of character with inappropriate garages and long close-boarded that are alien to the character of the conservation area. It might be tempting to use these rear gardens for further development but in most cases this would rob the original buildings of almost all private amenity space while artificially tightening the grain of the buildings. This would be alien to the neighbourhood which is characterised by the close proximity of the buildings on either side compared with the relatively long distances between buildings opposite and to the rear.

At the north end of Wickham Road the large garage buildings are an alien feature that erode the character of the area, and the neighbouring group of private garages at the ends of the gardens belonging to Salisbury Road, while a practical solution to vehicle parking, have a haphazard appearance that conflicts with the ordered character of the streets. This is probably the part of the proposed conservation area that would most benefit from redevelopment. It is likely that this has always been an uncharacteristic part of the street because it is unusual to have more than one garden adjoining the street in this way.



Figure 29: This private parking area harms the character of the area with its lack of boundaries, inappropriate materials and visual inconsistency.

The neatest resolution might be the construction of a long brick wall with gates to allow parking behind. This would be a characteristic boundary treatment used in an ordered way to provide a cohesive appearance in keeping with the character of the conservation area.





Figure 31: Uses of Buildings in the Conservation Area

## 9.0 Loss, attrition and intrusion

The condition of the area's fabric is reasonably good, both in terms of the buildings and the townscape. Most houses have survived with a small minority having been demolished and replaced with inappropriate new buildings. Some of these might in fact have been undeveloped gaps. Buildings that are taller than usual and employ uncharacteristic details, such as the block of flats at the corner of Salisbury Road, which uses a squat corner tower, balconies and excessive detail at roof level, as well as being uncharacteristically tall and bulky, harm the conservation area despite using an approximation of traditional design.



Figure 32, left: Despite an attempt at traditional design the size of this development, its unconvincing detailing and alien architectural features including applied balconies, undersized windows, bulky dormers and corner tower, combine to create a building clearly out of place in this location. Its closeness to the edge of the site and weak front boundary treatment exacerbate the building's faults.

Figure 33, right: The mid-twentieth century design of this building is softened by its position set back behind the building line. Introduction of a hedge at the front boundary would reduce its impact further by creating a stronger delineation between the public street and the private garden.

There is a very small minority of older buildings that do not share the general character of the area, but which have architectural merit of their own. These merit retention for their own sake even where they do not display the same characteristics. They are an interesting reminder of other architectural styles popular at the time the streets were built, including the Arts and Crafts movement, followed by Art Nouveau and the Mock Tudor aesthetic that appears to have been derived from Arts and Crafts.



Figures 34, left and 35, right: These two buildings differ from the majority of the buildings in the area but still have a positive impact because of their pleasant and traditional appearance.

The area has suffered, to a lesser extent than many other streets, from the popularity of modern alterations including plastic windows, concrete roofs and replacement doors. However a surprising number of original or replica sash windows remain as well as a high proportion of front doors. The doors may have survived because of the attractive decorative glass incorporated into them. Where replacement windows make no attempt to replicate the originals they are very harmful to the coherence of the streets, and in summer even some of those that attempt to mimic sash windows cause harm, in cases, for example, where the sashes are top-hung instead of vertically sliding.





Figure 36, left: Modern front doors look weak and flimsy in comparison to the remaining historic ones  
 Figure 37, right: The combination of top-hung plastic 'sash' windows, painted brickwork and satellite dishes has a most unfortunate appearance, masking the buildings' originally good design.



Figures 38, 39 and 40: These later alterations all cause harm to the conservation area and to the appearance of the individual buildings, but they could all be reversed to create a positive contribution.

In Wickham Road there are some inappropriate porches, which have a disproportionately harmful impact, perhaps owing to the way they project forward of the strong building line combined with unusually small front gardens meaning they are not disguised by the large shrubs that are seen in other streets.

The cumulative impact of roof lights, dormers, solar panels and photovoltaic panels is harming the character of the area. The roofs are generally designed to be discreet, with slack pitches and plain slate, in contrast to the relatively decorative parts of the buildings, which tend to be confined to eaves level and below. Uncharacteristic accretions at roof level attract too much prominence to the roof, exacerbated by the slack pitches of most roofs which mean that dormer windows tend to become visually dominant where they are inserted. Satellite dishes on front elevations and chimneys are similarly harmful, distracting from the architectural quality of the buildings to which they are fixed.



Figures 41 and 42: Occasional buildings have second floor rooms that have left the roofs unharmed and thus have avoided harm.

In several streets with longer front gardens the boundary walls have been removed, hard standing created and they have become used for car-parking. The Victorian emphasis on privacy, and the distinction between public and private life is fundamental to understanding the time and by extension to understanding the buildings in which people lived and wanted to live. The loss of front boundary walls and gardens, which provided a buffer between the street and the home, blurs the distinction between public and private space, which is a fundamental part of the character of the conservation area. At present in general the effect is piecemeal but without control loss of front boundaries and gardens could dominate the street-scene and badly erode the character of the area.



Figure 43: Where hedges have replaced railings above boundary walls their appearance is enhanced, making a positive contribution to the area.





Figures 44, left and 45, right: Hard-standings in front of houses and in positions where gardens should be harm the area by blurring the distinction between public and private spaces, contrary to the ideal of their original design.



Figures 46 and 47: Modern garages and close boarded fences detract from the general air of quality in the area.

Unfortunately it is at the ends of streets, at the gateways to the conservation area where most harmful alteration has been concentrated. This is owing to the lack of buildings formally designed to address corners, so rear gardens run along the street. This has resulted in poor quality garage buildings in back gardens and close boarded fences around them. Both these harm the street-scene and erode the character of the conservation area.



Figures 48 and 49: Walls reinforce the character and quality of the streets.

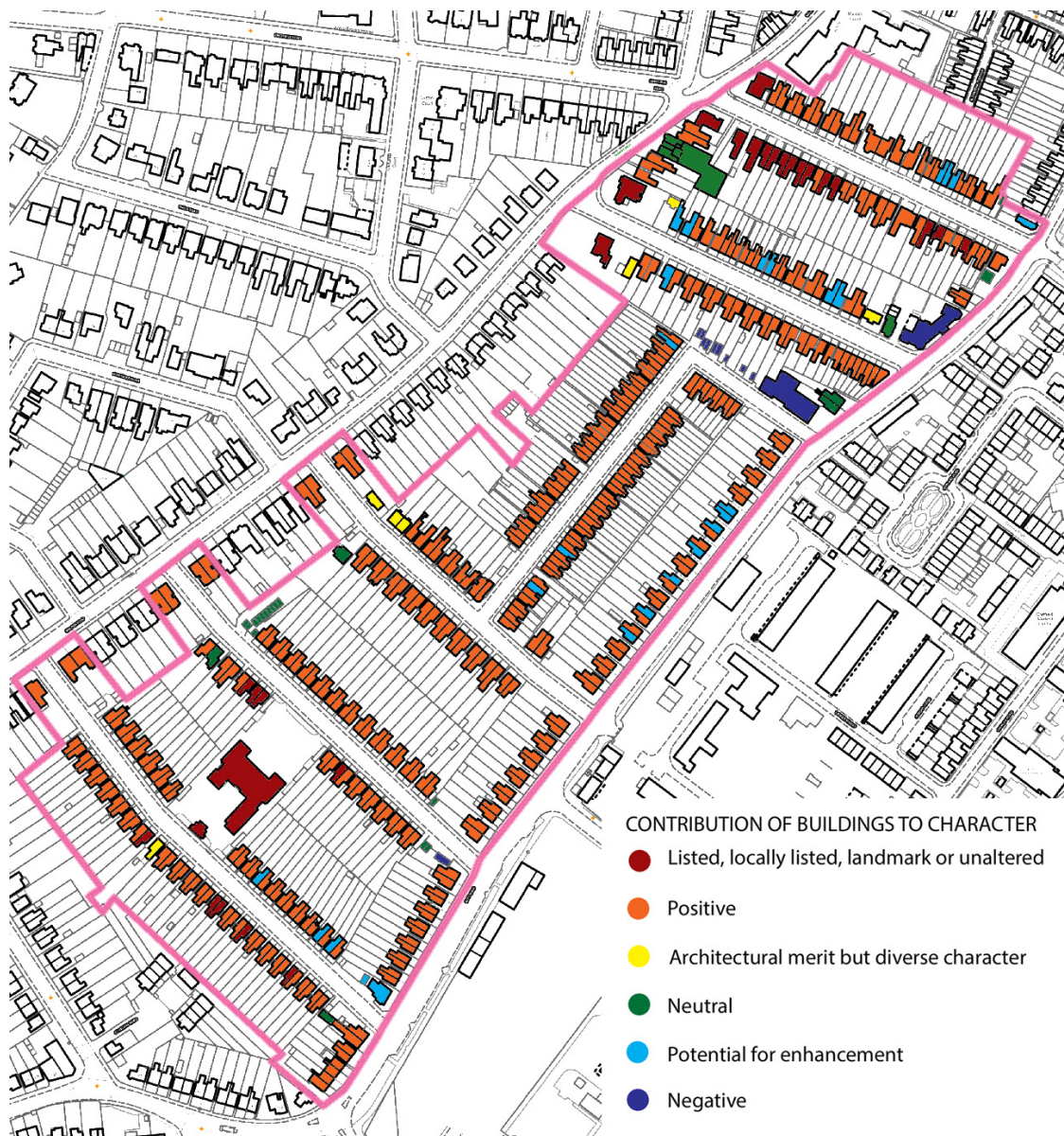


Figure 50: Contribution Map

### Explanation of Contribution Key

Red	Listed building, landmark building, locally listed or substantially unchanged
Orange	Positive building, few changes. Alterations that have occurred are relatively straightforward to reverse and therefore do not represent permanent harm to character – eg new windows in unaltered window openings, new roof covering, loss of front boundary
Yellow	Building of architectural merit but different character from the predominant character of the conservation area
Green	Neutral – Buildings that have neither a positive nor a negative impact on the character of the conservation area
Light Blue	Scope for enhancement. Buildings that have undergone more radical changes that would be harder to reverse – alterations to window openings, painted or rendered brickwork, porches, inserted bays
Dark Blue	Negative – Buildings whose appearance erodes the character of the conservation area



## **Part B - Supplementary planning policies (management proposals)**

### **Introduction: the need for policy guidance**

*Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Hereafter known as 'The Act') places a duty on local planning authorities to formulate and publish proposals for the preservation and enhancement of conservation areas. It is important that designation is not seen as an end in itself: policies will almost always need to be developed which clearly identify what it is about the character or appearance of the area which should be preserved or enhanced, and set out the means by which that objective is to be pursued. Clear assessment and definition of an area's special interest and the action needed to protect it will help to generate awareness and encourage local property owners to take the right sort of action for themselves.*

The management of the Mill Field Estate conservation area requires a careful approach that facilitates enjoyment of modern life while protecting the aspects of the area that contribute to its character and significance, features that attract people to live here and make it a desirable neighbourhood. In most cases this balance should not cause conflict because with some consideration most alterations could be accommodated in a way that will not harm the character of the street. High quality replacement materials, including replica sash windows, are now readily available; micro-generation equipment and satellite dishes can usually be located discreetly. The pressure on parking is controlled by residents' only on-street parking, so parking in front gardens is not necessary, even if some find it desirable.

Some guidance and control therefore should enable this balance to be successfully achieved without loss of enjoyment for residents. The conservation area appraisal will take the form of adopted planning guidance and the recommendations within it will become a material consideration for future planning applications.

### **1.0 Protecting the historic environment**

*Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those which relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area. Local planning authorities are required by section 73 to publish a notice of planning applications for development which would in their opinion affect the character or appearance of a conservation area.*

#### **1.1 Article 4 direction**

The uniformity of buildings within each small development within the conservation area makes inappropriate changes more harmful in this conservation area than in those which have a more diverse character. For this reason character can readily be eroded by poorly conceived alterations. It is proposed that an Article 4 Direction should be imposed to withdraw certain permitted development rights so that planning permission would be required for these works. This would enable the council to control alterations that erode the character of the conservation area.

It is recommended that this would include:

- The alteration of any window, door, window opening or doorway visible from public vantage points
- The rendering or painting of the brickwork of any part of a dwellinghouse
- The cleaning of any brickwork
- Re-roofing with different materials
- Installation of a roof light to any part of the roof
- The erection, extension or alteration of a gate, fence, wall or other means of enclosure to any part of the property facing the highway;; including the formation of any access
- The installation of micro-generation equipment including photovoltaic or solar water generation panels
- The alteration of entrance paths
- The erection of garages and car-ports
- Porches
- Removal of chimneys
- Two storey rear extensions

Under Part 1, Schedule 2 of the order including classes A-F inclusive (GPDO 1995 as Amended) refer to Plan ref:

## **1.2 Additions & alterations**

It is suggested that the area indicated on the map in figure 1 is designated as a new conservation area. It is furthermore recommended that this area is protected by an Article 4 direction to control future development and to ensure that in the future all development will enhance or preserve the character of the conservation area.

Where planning applications are submitted that relate to existing inappropriate features that erode the character of the conservation area it is expected that these alterations will be reversed and such features replaced with positive ones. Therefore like-for-like replacement of inappropriate features will not normally be permitted

## **1.3 Demolition and planning permission**

By designation of the conservation area all demolition over 115 cubic metres will be subject to planning permission. Works to trees will be subject to notification to the council.

When considering applications for demolition of buildings within the conservation area the general presumption will be for retention of buildings that contribute to the character of the conservation area or those that have architectural merit. When considering applications for alterations to buildings the council will normally support applications which will preserve or enhance the character and appearance of the conservation area. Development that would be harmful to the character or appearance of the conservation area will be refused unless overriding public benefits that outweigh the harm can be demonstrated to arise from the development.

## **1.4 Recording**

In certain cases where a demolition is approved that will harm the character of the conservation area the council may require developers to carry out recording to an agreed standard before the alterations can be made. Such records shall be offered to the Essex Record Office, the Local Studies section at Colchester Library and the



Essex Historic Environment Record at Essex County Council to enable it to be made available for the public.

### **1.5 Changes of use**

The majority of buildings are in use as single dwellinghouses. Where possible this should continue. Where other uses exist the council will support change of use back to domestic use, particularly if this entails the removal of a negative building or feature and associated enhancement of the conservation area.

### **1.6 Signage**

Signage associated with alternative uses within the conservation area is likely to be alien to its character. Where this is required it should be small and discreet, for example brass nameplates beside the doors. Large plastic signs, advertisement banners and other intrusive modern signage, especially where this incorporates illumination, will generally be resisted by the council.

Street signage set within the footway is currently not inappropriate for the area, being of small scale and simple. Historic street signs made from tiles are attractive and an interesting link to Colchester's past. Where they are damaged they should be repaired. Their removal should be resisted.



Figure 51: Where street nameplates are damaged they deserve repair.

### **1.7 Repair & maintenance**

- Some old tiled street nameplates need repair
- Where galvanised handrails exist (for example outside Hamilton School) they should be painted.
- Some old lamp standards need maintenance and repair to avoid risk of their loss
- Street trees need to be cared for to ensure they thrive, or replaced where missing
- Where boundary walls are becoming damaged they should be repaired to ensure their survival.
- Where close-boarded fences need replacement this should be with appropriate features, such as brick walls or hedges. Rendered blockwork is not appropriate.
- Where garages are to be redeveloped they should be hidden behind brick walls with side-hung doors for access.

### **1.8 New uses for vacant buildings**

Vacant buildings are not a significant problem within the area. Where buildings in other uses become vacant their change of use to dwellinghouses should generally be supported unless there are overriding reasons not to do so.

### **1.9 Proposals for monitoring and review of the Conservation Area**

It is suggested that the conservation area appraisal and management plan should be adopted by the council as supplementary planning documents (SPD) and from that time its recommendations should become a material consideration. The conservation area should be reviewed regularly.

The imposition of an Article 4 Direction will have resource implications, as it is likely to attract an increase in the number of planning applications that need to be submitted without a fee. However in this instance, because one of the most significant characteristics of the conservation area is the uniformity and coherence of the architecture, in this instance its imposition is justified.

It is suggested that where resources permit the conservation area should be periodically re-surveyed (perhaps biennially) for unauthorised alterations and to monitor its general condition. At this time a photographic record will be made for reference by the council when considering proposals for development in the area and for potential planning enforcement purposes.

## **2.0 New development in the historic environment**

There are no obvious vacant sites with potential for infill at present, but the features with scope for enhancement include the few negative buildings and areas dominated by garages and parking, which would benefit from enhancement. With little scope for redevelopment it is likely that the majority of development will take the form of extensions and alterations. The guidelines below are intended to assist with this.

### **2.1 The design of new development**

New development should reflect the features within the conservation area that contribute to its character. This is not intended to suggest that future development should necessarily take the form of a pastiche of the historic buildings but instead that the features that contribute to character should be used to inform design. This is a particularly cohesive area and failure to respond to the existing character of the buildings within it is likely to cause more harm than in other places.

### **2.2 Key design principles**

#### **2.2.1 Form**

The majority of buildings take a terraced form even where they are semi-detached or detached. Their plan tends to be longer than their width with a narrower projection to the rear. They are arranged facing the street conforming to a regular building line. Most buildings are two storeys high with a relatively shallow pitched, discreet roof. Most frequently the pitch is from front to back. Buildings are usually arranged symmetrically whether this is as taken within the terrace or semi-detached pair or otherwise as viewed individually. There is some variation between streets, with some containing predominantly flat fronted houses and some containing a high proportion of houses with single or two storey bays.



Figures 52 and 53: Architectural unity derived from repetition of similar elements



Figures 54 and 55: Solid respectability and anonymity.

### 2.2.2 Scale

Most buildings are built on a domestic scale, only two storeys in height with no or minimal accommodation within the roof; where this is occasionally found the best examples have small window openings in the gables.

### 2.2.3 Details

Details on buildings are more idiosyncratic in the older streets than the later ones. They include one and two-storey bay windows, both canted and square sided; decorative lintels, door cases, open canopies, string courses and eaves details. Doorways are frequently inset. Front walls used to have wrought iron railings and decorative tiled paths were common. Decorative features are often white although polychromatic brickwork is used for string-courses and corner details and some buildings have terracotta lozenges. In some cases more expensive brick is used for the front elevation and cheaper bricks on the sides and rear. Coloured glass is used in doors but does not appear to have been widely used for windows, probably because this feature is more often a feature of casement rather than sliding sash windows.





Figure 56: Decorative features can include terracotta lozenges, fretwork on eaves and verges, bays and chimneys



Figure 57: Quirky features such as the huge canopy over these first floor windows and the slate roofed porch/loggia feature all contribute to character.



Figure 58: Polychrome brickwork and paired chimneys used to enliven a plain end wall.



Figure 59, left: Terracotta used at eaves to create the effect of an architrave and on the bay to enrich an area of plain brickwork between ground and first floor windows



Figure 60, right: Beautiful tiles on a front doorstep.





Figure 61, left: note the little white modillions under the eaves and the decoration around the inset porches and first floor window arch.

Figure 62, right: tiles used simply but effectively to decorate the front path. The decoration emphasises the transition from the pavement onto private property.



Figures 63, left and 64, right: Some examples of beautiful original doors and the coloured glass insets.



Figure 65: The round-topped doorways echo the inset porches in a more modest way and the red brickwork decorates the yellow London stock bricks simply but effectively. Note the mock half-timbering and decorative fretwork of the bargeboards. The survival of front boundaries and the well-planted gardens define the private spaces despite their diminutive size.

#### **2.2.4 Materials**

The materials chosen for development in the area should be inspired by those already commonly found there.

Roof coverings are almost always mid-grey Welsh slate. Walls are usually brickwork, both red bricks and yellow stock bricks are commonly found. Painted or rendered brickwork is not appropriate. Windows are usually white painted sliding sash timber windows, most frequently they are in a four pane arrangement. Occasionally small paned windows are found, where they occur it is usually confined to the upper sash. Doors are timber and sometimes have attractive stained glass panels. Rainwater goods are usually cast metal. Boundary walls are usually made of brick matching the house.

#### **2.2.5 Spaces**

Reinstatement of railings/boundary walls and gardens to delineate public and private space is to be encouraged. Spaces between buildings along streets are often not generous, but their existence, along with long back gardens and wide roads, is another important feature of the Victorian and Edwardian appetite for privacy.

### **3.0 The public realm**

#### **3.1 Groundscape**

Where works in the pavements are carried out it is important that the flagstones are reinstated. Tarmac on pavements should be avoided where flagstones exist; whether stone or concrete. Where tarmac already exists its impact is usually regrettable: repairs look untidy and the surface lacks the feeling of quality that contributes to the character of the area elsewhere.



### **3.2 Street furniture**

Where old lamp-standards become beyond repair they should be replaced with alternatives that are as close as possible to the existing design. Where modern utilitarian standards are to be replaced the replacement should be with replicas of the historic lamp-standards, not with more utilitarian standards.

Waste bins, telecoms boxes and similar items shall not be used for advertising and should be sited sensitively to avoid harming the public realm

### **3.3 Clutter**

Where possible the clutter of signage and street furniture should be minimised. Signs should be grouped onto poles where possible. Disused signage poles should be removed.

### **3.4 Planting**

The street trees within the conservation area are owned and maintained by the council. They need to be maintained to ensure their growth and survival. Where trees are missing, where possible, the council should seek to replace them with appropriate small species. This may be a target for expenditure of any developers' contributions received.

### **3.5 Developers' contributions**

These could be directed towards improvements in the public realm, for example, replacement of inappropriate lamp standards with ones more suited to the character of the area, reinstatement of paving slabs where they have been lost, planting and maintenance of street trees or replacement of inappropriate street furniture (railings for example) with more good quality alternatives.

## **4.0 Opportunities for new development**

The areas used for forecourt car-parking are a regrettable feature of the area and this is a problem that needs to be addressed. Similarly, where close-boarded fences line the street frontage they blight its appearance. Where garages exist it might be possible to site them behind boundaries (walls and gates) to retain the distinction between public and private space using features that are appropriate for the character of the conservation area.

The few negative buildings within the conservation area appear to be in use and are unlikely to present immediate opportunities for redevelopment but in the event that they become redundant the council would encourage their replacement with new buildings that would enhance the character of the conservation area.

## **5.0 Implementation**

A report on this appraisal and its management proposals will be submitted to the portfolio holder for approval. After this the document will be subject to a 28 day public consultation period, during which time a public exhibition will be held, and a public meeting as required by section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. After this the appraisal and management proposals will be referred to the Council's Local Plan Committee. With the committee's approval the conservation area will be formally designated and the appraisal and management proposals will be adopted as a SPD in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012.

proposed  
**Mill Field Estate**  
**Colchester Conservation Area**

**a character appraisal & management proposals**



