

**PROPOSED AMENDMENT OF THE CONSERVATION AREA BOUNDARIES IN WITHAM
TOWN CENTRE AND MANAGEMENT PLAN**

Agenda Item 2.3

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Background Papers:- Draft Witham Town Centre Newland Street, Conservation Area Appraisal and Management Plan, ECC 2007
Financial Implications:- Yes – £300,000 from English Heritage, Braintree District Council, Essex County Council, Witham Town Council for funding a shop front improvement scheme. Significant staffing and resource issues if option 5 is supported.
Equalities Implications:- None
Legal Implications:- Land charges, Development Control – set out in Planning (Listed Buildings and Conservation Areas) Act 1990.
Options:
1. To approve the amendment of the Conservation Area boundaries in Witham.
2. Not to approve the amendment of the Conservation Area boundaries at Witham
3. To support options 1-14 of the management plan as and when funding opportunities arise
4. To not support options 1 –14 of the management plan
5. To support options 15 -16 of the management plan
6. To not support options 15 -16 of the management plan.
Risks: None

EXECUTIVE SUMMARY

This report recommends amending the Conservation Area boundaries in Witham to include areas considered worthy of Conservation Area status. Details for a proposed management plan are also included.

DECISION

It is RECOMMENDED that members approve the amendment of the Conservation Area boundary in Witham, set out in the appraisal.

It is RECOMMENDED that members approve the Appraisal and Management Plan as a Material Planning Consideration.

It is RECOMMENDED that further investigations are carried out on the scope for additional planning controls.

PROPOSED AMENDMENT OF THE CONSERVATION AREA BOUNDARIES IN WITHAM TOWN CENTRE AND MANAGEMENT PLAN

Background

In September 2007 members will recall Braintree District Council sought approval from Witham Local Committee to pursue a Local Authority Partnership Scheme to fund a shop front improvement scheme in partnership with English Heritage. As part of the application process it was necessary for Braintree District Council to carry out a conservation area review and management appraisal. Braintree District Council received a letter from English Heritage dated 7th January 2008 confirming an in principal offer of funding for £150,000 to be matched by Braintree District Council, Witham Town Council and Essex County Council.

Following recommendations set out in the report 'Draft Witham Town Centre Newland Street Conservation Area Appraisal and Management Plan' (2007), produced by Essex County Council Historic Environment Department, it is proposed to extend the existing Conservation Area in Witham.

The Town and Country Planning Act 1990 defines a Conservation Area as 'an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.

Site visits have been undertaken by a member of the Planning Policy team, a member of the Historic Environment department, who was involved in the production of the report, the Conservation Officer responsible for the Witham area at the time and a member of the Witham area team from our Development Control department. It was agreed that the areas proposed for inclusion make a valuable architectural and historic contribution to the town and are worthy of Conservation Area status.

To extend the Conservation Area to include:

- Land Between 2 Mill Lane and the Bowling Green and 30-34 Mill Lane
- To include land at junction of Mill Lane and Guithavon Street
- To include all of Moors Court Newland Street.
- 17-67 and 16-50 Collingwood Road and Millfield House Newland Street
- 2-8 and Seacrest and Prospect House Guithavon Valley
- The Avenue and The Paddocks
- Witham Park, Witham Cricket Ground, properties between the builders yard and Community Centre including The Retreat, Maldon Road
- Extend area along north east end of Newland Street up to Broomfield Cottage

It was felt that the inclusion of these areas would enhance the character and appearance of the conservation area.

To remove the Conservation Area designation from:

- To redrawn the boundary to exclude the health centre on Mayland Road as it does little to enhance the character of the conservation area and is only visible from Mayland Road itself.

Please refer to the map in appendix one to see full extent of conservation areas changes.

Conservation Area Status

The proposed extensions to the existing Conservation Area, in Witham will protect the historic character of the buildings and their settings and ensure that any new development, alteration or changes of use will preserve and enhance the character of the area. National and local planning policies provide guidance on development within Conservation Areas and are used to assess any proposals within these areas ensuring that the character and appearance of the area is respected.

Consultations

The following persons were consulted on the proposed extensions, and their comments were taken into consideration:

Witham Town Council, Witham and Countryside, Witham History Group, Witham Town Centre Strategy Group, English Heritage, Essex County Council Historic Buildings Department, Essex County Council Conservation Officer, Braintree District Council Head of Sustainable Development, Braintree District Council Witham Area Development Control Manager, Braintree District Council Head of Landscape Services, Braintree District Council Head of Asset Management.

Letters have been sent to the occupants of all the properties or in the case of sheltered or retirement homes the managing agent that would be affected by this proposal informing them of the recommendations. Information was also included outlining the restrictions that would apply regarding work that cannot be undertaken without prior permission from the Council.

The following responses were received:

English Heritage – The management plan element is comprehensive and constructive and besides including positive proposals for enhancement it recommends additional designation under local listing powers and the control of unsympathetic alterations to unlisted buildings by means of an article 4 (2) direction.

Braintree District Council Witham Area Development Control Manager – Raised concerns over the practicality of an article 4(2) direction for the conservation area and the issue related to compiling a local list. Also it is not considered appropriate to consider pedestrianisation solely in the context of a conservation appraisal as it is a more extensive issue.

Braintree District Council Head of Landscape Services – Welcome the enlargement of the Conservation area as more trees will be afforded protection. In the trees and planning section the increasing importance and benefits of trees should be highlighted by changing the “should” references in the paragraph to “must”, eg “Mature trees must be retained in new developments wherever possible”, and “Large areas of car parking must be softened...”

The infill development along Newland Street has contributed to the decline in the trees and other vegetation that the historic photographs showed existed in the past. This should be countered by ensuring that all town centre development proposals continue to be carefully considered by all relevant parties and any opportunities for new planting are grasped. One option to increase the tree planting along the Newland Street shopping area, could be to use trees in containers above ground, and we are happy to provide guidance here if necessary.

Braintree District Council Head of Asset Management – No objection

Atisreal (On behalf of Travis Perkins Limited) – We believe that the designation of the Travis Perkins site on Maldon Road as part of Witham Town Centre Newland Street Conservation area will place significant restrictions on Travis Perkins operations and could prejudice potential redevelopment proposal. We understand that the purpose of designating the site however it is our view that the proposed boundary is illogical as the site could not be considered to contribute to the character or appearance of the proposed Conservation Area. It is our opinion that the proposed boundary should be re-drawn to the south of our clients site which would ensure this alteration would not compromise the protection of the historic streetscape of Maldon Road. – *Council Comment – Conservation area designation does not prevent development from taking place but can be used to ensure that when development happens it is of sufficient quality as to not compromise the overall appearance or quality of an area. Conservation area status also does not apply retrospectively so any existing activities on the site can continue.*

Members of the public – The following comments were made;

The extended area in Witham is certainly unique and deserves protection. We warmly welcome these proposals that are essential to preserve the appearance of this area and the benefits for the protection of wildlife in urban areas.

In broad agreement with the extension of the conservation area in Witham.

Object in the strongest possible terms to the proposed extension as we do not wish to seek approval for decorating or improvements. We also do not feel that this area is of special historic or architectural interest. It is wrong to use an extension to the conservation area to stop any proposed developments.

Extending the conservation area the character of the neighbourhood will be protected to the advantage of those living there and of the town as a whole. The extended area will give the area considerable protection from grossly unsuitable and destructive planning applications.

The southern part of Avenue Road should be included within the conservation area as its character is equally pleasant to the northern part. Either both parts or neither should be included. Also it has been suggested that some additional buildings should be considered for a local list. – *Council Comment – The northern part of Avenue Road contains some handsome and well-detailed late Victorian housing. They are of varied design and make a valuable contribution to the good quality Victorian architecture of the town centre. It is felt that the south part of Avenue Road does not contribute enough to justify inclusion within the conservation area.*

Other representations were received which concern matters of factual correctness.

If any further responses are received they will be reported verbally to the committee.

Other recommendations: The report outlined other proposals for improving Witham Conservation Area. These include;

1. Undertake public realm improvements in Newland Street and neighbouring roads including rationalising traffic and other signage and road markings, improving street

furniture as opportunities arise, under grounding of overhead wires and improved paving and landscaping schemes to improve pedestrian movement and encourage social interaction.

2. Promote use of sympathetic surface treatments, such as bound gravel for pedestrian routes.
3. Encourage occupiers on Newland Street to reduce clutter on street forecourts.
4. Carry out improvements to Lockram Lane including encouraging better maintenance of properties and streetscape improvements such as resurfacing.
5. Carry out streetscape improvements to Kings Chase and the park access including signage, landscaping and resurfacing.
6. Carry out streetscape improvements to Coach House Way including surface treatment and promoting better maintenance and improvements to rear elevations of Newland Street properties.
7. Carry out streetscape improvements on Maldon Road including enhancement of park entrance.
8. Carry out environmental enhancements to Collingwood Road car park and Lockram Lane car park including planting, surface treatments, screening of service areas and enhanced pedestrian linkage with Newland Street.
9. Promote better landscaping of backland parking areas visible from highway.
10. Promote sympathetic designs for shopfronts and robustly reinforce policies regarding shop design and advertising.
11. Promote sympathetic traditional boundary treatments including red brick walls, iron railings and hedging, and preserve existing examples.
12. Retain existing trees and hedging where possible and encourage further planting.
13. Resist overdevelopment of backlands and promote sensitive redevelopment which preserves backland character.
14. Encourage better maintenance of properties, particular those that have a strong negative impact including the rear of no. 70 Newland Street and properties backing onto Lockram Lane.
15. Introduce Local List of buildings of local significance to encourage owners to avoid unsympathetic alteration. – *Council comment – Listed buildings are designated by English Heritage and external and internal alterations to these buildings require listed building consent. Locally listed buildings are designated by the Council and do not require listed building consent for alterations. The introduction of a local list could prove problematic, as it would raise aspirations as to the level of control that the Council has over said buildings. It would also be necessary for the Council to compile a Local List for the whole District. Local listing does not result in additional protections in the same way as a listing would. It is therefore recommended that this option should not be pursued, it is however an option to put a statement in the management plan stating the Councils intention to resist demolition of these properties.*

16. Introduce Article 4(2) Direction to provide additional planning control over unsympathetic development that might harm the special character of the area.- *Council Comment – Article 4(2) directions are used to prevent development that would normally be permitted without the need for planning consent. It is considered that such a direction would have limited benefit for the conservation area and would generate an excess amount of administrative burden for limited gain. This issue can be considered independently of the Conservation Area and Management Plan if it is determined that such a direction is required in future.*

It is proposed to support management recommendations 1-14 as and when funding and relevant projects enable them to be implemented. For example points 5 and 7 could be addressed in relationship to any funding bids involving Witham Park. Other recommendations will need to take place in partnership with the highways authority and services providers.

Appendix One

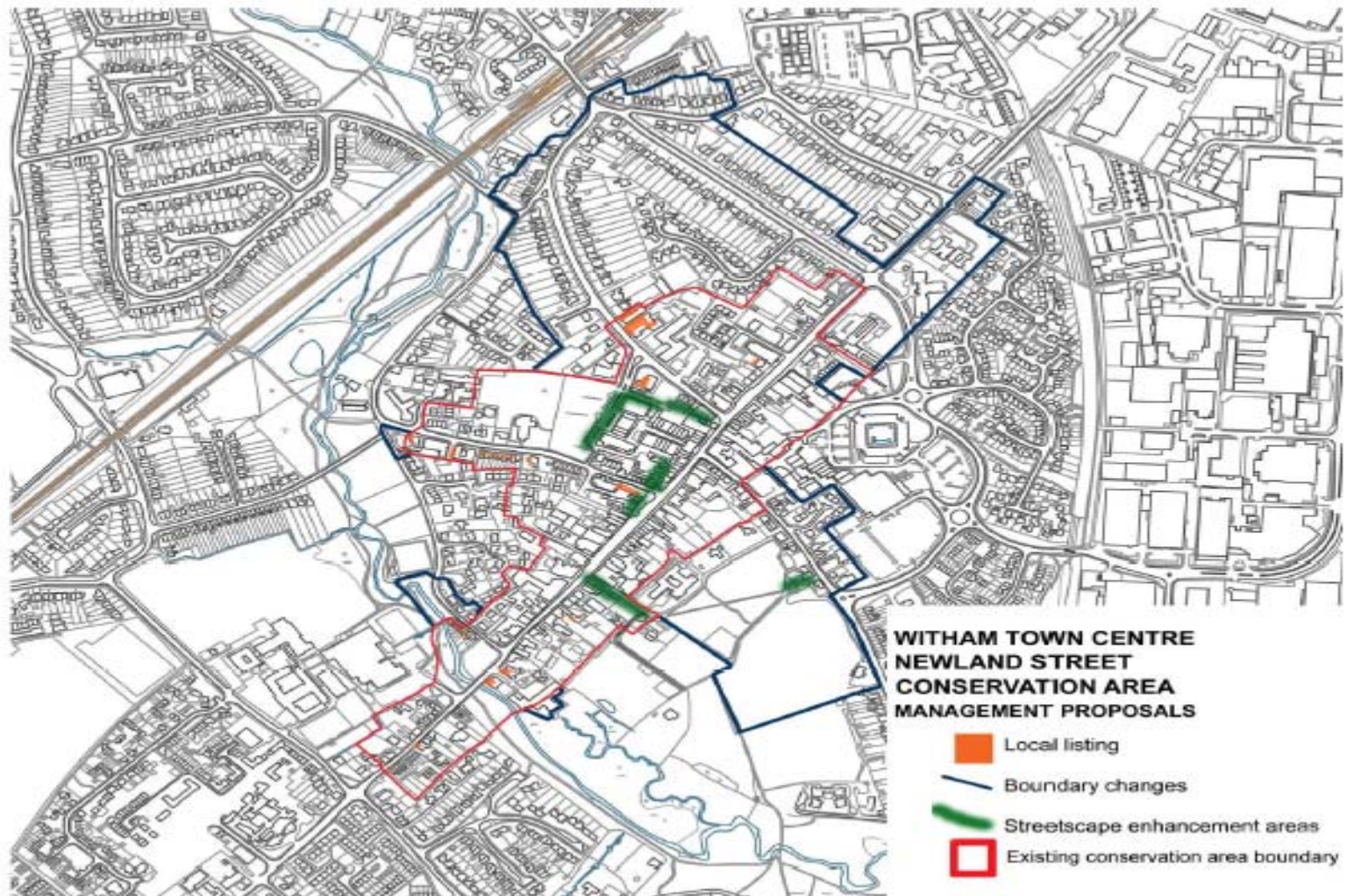


Fig. 98 Management proposals for the conservation area.