

19 March 2018

<b>Report of</b>	Assistant Director: Corporate and Policy	<b>Author</b>	Vincent Pearce ☎ 282452
<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