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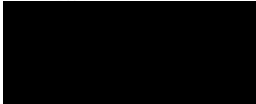
16th February 2010

Dear Mr Booth,

Manningtree and Mistley Draft Conservation Area Management Plan

Please find attached our response. A letter from English Heritage submitted to the Local Plan Inquiry in 2007 is also attached and is referred to in the response.

Yours sincerely,



Elizabeth Parker

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TWL RESPONSE

MANNINGTREE AND MISTLEY

DRAFT CONSERVATION AREA MANAGEMENT PLAN

1. The Industrial Character of the West Quay

The West Quay has been heavily developed as an industrial quay for over one hundred years. The quay was developed intensively to tall granaries and warehouses and served by dual rail tracks with trucks. Transit cargoes were stored on the area. The quay was a hive of industrial activity.

English Heritage support the traditional riverside industrial and port identity and wish to safeguard against its erosion.

The Stockdale Warehouse is not of itself a beautiful thing but it is required to enable a modern port to function and the port is a key character of the conservation area. The management plan identifies the industrial Simpsons Malting site, with its dense steel silo ranges, as important to the character of the conservation area as it is the modern representative of Mistley's prestigious history in malting: *"its modernity can be seen as a natural progression from the historic maltings which so shaped the economic development of Mistley"* [draft CAMP p19]. There is no justification to approach the port's present day functional needs differently. A conservation area is equally concerned with character and appearance.

The Edme Thorn Quay warehouse, first built 50 years before Stockdale, is an established part of the conservation area. Originally built in the 1930s, it was constructed to the quay edge to hoist cargo direct from barge to store. It was rebuilt in the 1950s to a very similar appearance. Its presence is relatively imposing at the Swan Basin but all the industrial buildings in Mistley are strikingly imposing: it is not overbearing and it is not without character. Mistley's special interest is identified to lie in its *"giant Maltings"* and the strong contrast of large scale 19th century Maltings and sophisticated Georgian planning. English Heritage consider the brick built elements to make a positive contribution and to be visually important to the High Street. The remainder of the building is described as lightweight framed construction.

2. Buildings that detract from the character of the area: Recommendation 9

This recommendation is not understood:

"Encourage the redevelopment of buildings which have a negative effect on the character or appearance of the conservation area as and when they become ready for renewal".

"Ready for renewal" is not understood especially as the recommendation appears to apply solely to the Stockdale Warehouse and, although 6.20 is ambivalent on the point, the Thorn Quay Warehouse.

The appended letter from English Heritage submitted to the 2007 Local Plan Inquiry may be helpful in this respect. English Heritage supported an industrial riverside and the retention of the Thorn Quay Warehouse in industrial use.

Recommendation 9 applies to large warehouses and assumes the role of a development plan policy. The Recommendation does not comply with development plan policy LMM1 (iii) and (iv) which seeks to protect the port operations and safeguard existing buildings for port use, including the Thorn Quay Warehouse. The two buildings are also essential for the preservation of the character of the conservation area, as English Heritage avers. The distinction drawn between these buildings and the Crisp Maltings site is unsound. Neither the Thorn Quay Warehouse, nor the Stockdale Warehouse, detract from the character of the industrial riverside.

3. As to Paragraph 7.8: Key Projects

The Thorn Quay Warehouse is safeguarded for port use before allowing any change of use under policy LMM1 (iv). It is also an employment building falling under ER3 and Annex 3a. English Heritage support its continuing use as an industrial warehouse in association with the industrial riverside. The authors of the CAMP (The Conservation Studio) are aware of the Port's interest in this property. It is strange this building, and the Stockdale Warehouse, should focus the author's attention more than the Listed No.1 and No.2 Maltings.

4. Open Spaces: Recommendation 11

The Townscape Appraisal Map identifies the area of the quay falling within the curtilage of the converted Maltings as a case for "*dynamic change*". This is not understood. The area is car parking and not public realm. The Port objects to any initiatives to increase activity in this area. The recommendation appears unrelated to the purpose of designation.

5. Opportunities for Enhancement / Purple Wash: Paragraph 6.63

Bullet point 1 strays into a development plan policy area. The redevelopment of the Stockdale Warehouse is not provided for in the development plan. The Stockdale Warehouse is essential to the Port operation. In the long term, it will be retained.

Bullet point 2: the access to east of the Swan Basin provides a third point of entry to the quay and access to the Thorn Quay Warehouse. No interference with these access points should be proposed.

Bullet point 5: this point is addressed in the response to the draft SPD. The intention of the proposals to block off the "*wide entrances*" to the Edme main site with new buildings is not understood. Open entrances do not detract from designation. In any case, the west entrance and adjacent vehicle circulation area require retention in order to protect the access to the warehouses and their curtilage, which are safeguarded for port use (if a new development proposal is brought forward by Edme). Any redevelopment proposals for the listed Malting should not impinge on the west side of the site.

Bullet point 7: again this point strays into a development plan policy area and the misguided objectives of the draft SPD. The Stockdale Warehouse is required for the continued operation of the Port: it is essential. The Thorn Quay Warehouse is safeguarded for port use. The zone is an industrial riverside: this is its special historic character. The phrase "*a more pedestrian friendly public realm*" is not understood. The management plan does not identify the public highway in the vicinity of the quay (rear of Grapevine Cottages / High Street) for enhancement although we would not support promotion of increased use of this footpath.

The phrase "*if a barrier proves necessary*" is not understood. This bullet point is not concerned to relate to the reason for designation and is heavily burdened with inference.

6. Boundary Treatments: Recommendations 16 and 17, Purple Wash

The storage compound fence was erected under a 2004 planning permission. This is a 2.4 metre security steel mesh fence. It is not entirely satisfactory that the Council should raise issues with the fence it approved in 2004 and which was considered compliant with Conservation Area policy.

The quay edge fence was erected to comply with the Dock Regulations 1988 as the West Quay to the lighting tower is not in current commercial use for vessel handling.

The need for a safety fence is actual and based on the Port's risk assessment and the need should not be referred to as "*perceived*". It was not "*apparently*" erected for health and safety reasons. "*Minimal railing*" is not "*commensurate*" with risk. These quotes arise in the draft SPD. Similar comments emerge in the draft CAMP at 6.33 and 6.53. The tone of 6.33 is immoderate.

Access by the public to the area is prohibited but the area is not fully fenced off and is therefore open and accessible. The public footpath runs round the rear of Grapevine Cottages. Those who ignore the signage and instructions need protecting and the Port is obliged to assume responsibility for their safety.

The fence cannot be climbed, sat on or swung on. There is a four-metre drop to a hard landing at low tide if someone slips off. The fence also prevents the opportunistic recreational sailor making an ill-advised attempt to tie up and scramble through or scale over a fence of different design e.g. wide horizontal railed.

The Port is not averse to discussion with the Council's conservation officers on the appearance of quay fencing as a long-term conservation issue if the preservation of the integrity of the conservation area is a concern.

Broxap vertical steel railing, powder coated black, was approved for the Maltings restoration with the same "*utilitarian*" upright posts but the panels are heavier.

The image in the public consultation exhibition boards does not illustrate fencing as it appears from the public realm and this is unhelpful. The view from public footpaths is the most appropriate point of reference to address a long-term design alternative. These are identified as significant views 3 and 4 on the Townscape Appraisal Map. Nonetheless, the exhibition board illustration demonstrates the framed panels of a modern lightweight fence appear transparent and this effect will not be achieved with classic railings.

This is a Conservation Area Management Plan and its purpose is to conserve and enhance the conservation area with regard to the reasons for its designation. If the Council's objective is not exclusively conservation, then a long-term design alternative will not be capable of agreement. The Council will need to work with the Port within the confines of the assessment of risk that the Port has evaluated. Whilst the fence need not appear industrial, the zone is industrial and it is not intended that the appearance of the fence should change that character.

7. Traffic Management and Parking: Recommendation 21

The objective of this recommendation is not understood, nor the access points which are not identified. The Port requires the retention of the third access to the east of the Swan Basin for access to the Port and to the Thorn Quay Warehouse. The access to the west of the main Edme site requires retention to protect the long-term access to existing warehouses safeguarded for future Port use, when the main Edme site is no longer required by Edme.

8. Policy and Guidance

The text 6.50 – 6.52 and Recommendation 25 do not relate.

The Council's specialist port consultants have advised that the Stockdale Warehouse is essential for port operations. The Local Plan provides for the protection of port operations and the safeguarding of existing buildings within the URA for port use. Jeopardising the port and its future success is not a "significant opportunity".

Again, it is important the CAMP distinguishes itself from development plan policy and does not conflict with existing policy.

Furthermore, the CAMP is a document to enable the conservation and enhancement of the character and appearance of a designated area. The historic character and appearance of the West Quay is an industrial riverside.

9. Boundary Review

Baltic Wharf: Area 5

The area proposed for inclusion is concrete open quay and the railway embankment. It is not clear what special architectural or historic interest the area exhibits.

Northumberland Wharf: Area 6

The site continues its connection to river industries as Mistle Marine. In addition to a history of barge building, the site was home to barge operators who carried cargoes from the port.

The site is allocated for port expansion land.

As a conservation area requires the conservation of existing character and appearance, the boundary change would require careful consideration.

The only buildings on the site are a nondescript boatshed and a temporary wooden house/office on stilts.

The Port would welcome a designation which seeks to conserve the character of Northumberland Wharf as a site of marine industry with a long heritage.

However, development of the site for port storage use will already be required to demonstrate no adverse impact on the estuary and the estuarial landscape. As it is assumed the reason for designation would not relate to the current parlous appearance of the site, it would be important to define the reason for designation as the site's marine industrial character with a historic relationship with the Port.

In relation to archaeological significance, some thought needs to be given to the location of the title boundary and the remains of vessels lying within and outside the boundary. The title boundary is not the current quay edge therefore the quay wall cited may not be retained. The site also has identified contamination issues.

10. Article 4 Direction Recommendations 5 – 7

The draft CAMP proposes the casting of the current Article 4 Direction across the whole of the two settlements.

It is not known in what terms the current Articles 4 Direction is drafted. The text of the draft CAMP suggests it is an Article 4 (2) Direction affecting dwelling houses in conservation areas.

However, if the Council intends to cast a general Article 4 direction across the two settlements this will also affect the commercial and industrial sites. Statutory ports enjoy significant enhanced permitted development rights over non-statutory ports.

Permitted development rights should not be withdrawn without clear justification, such as where there is a real and specific threat of development being carried out that would damage an interest of acknowledged importance. Both the Class (or part of Class) of development for which permitted development rights are withdrawn, and the geographical area of individual properties affected by withdrawal, should be kept to a minimum and drawn as closely and precisely as possible, especially in view of the Council's liability for compensation for losses arising if permission is refused or conditioned for developments currently authorised. The Secretary of State has stated that, in cases where his approval is required, it is unlikely to be forthcoming where a direction is drawn too widely.

The draft CAMP fails to identify a specific reason for contemplation an Article 4 Direction – with no defined objective or content proposed – to cover the two settlements.

LL MS



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11 January 2007

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Dear Mr. Parker

MISTLEY: EDME SITE AND THE PORT OF MISTLEY- LOCAL PLAN INQUIRY

Thank you for your letter dated 8th January and the accompanying documents relating to your company's representations to the Tendring District Local Plan Inquiry (Re-deposit Replacement Local plan).

I note that the Mistley Quay and Forwarding Company considers that the port at Mistley can only accommodate sustainable growth by the retention of its facilities at the West Quay and that it proposes further expansion in this area rather than at the East Quay which it considers to be too constrained.

As you are aware English Heritage has been consulted on preliminary proposals for the redevelopment of the nearby Edme site, both north and south of Mistley High Street. This would be a major application within the conservation area. The Quayside element of the site (north of High street) on its own still falls within this category. You have a copy of the comments made in my letter dated 20th September 2006, which followed a site meeting hosted by GVA Grimley on 5th September.

You will note that I expressed English Heritage's regret over the loss of the long established industries in small towns such as Mistley, which removes a further element of vitality from their conservation areas and that I urged Tendring District Council to pursue a mixed-use development on the Edme site.

The existing warehouses on the Quayside (north) site are mainly of lightweight framed construction. There are however brick built elements, including the mid-twentieth century High Street façade that are not listed but which both I and Essex County Historic Buildings and Conservation section feel make a positive contribution to the conservation area. I refer to this structure in my letter and to its visual importance in the street. I recommend



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that consideration be given to its retention and integration within any new pattern of buildings and spaces rather than its demolition.

I have also asked that the effect of new buildings upon the Swan Basin area be given careful consideration, as there is a danger that new quayside structures could compromise this important space and the listed buildings around it as well as their relationship with the river. At the time of a planning application any new buildings especially if they are of a larger mass than the existing group would need to be assessed as to whether they "preserve or enhance the character or appearance of the conservation area". This is required by PPG15 and at the present time English Heritage has given no support for a total redevelopment of the scale shown in the draft proposals for the Edme site. We have asked that a heritage impact assessment is prepared before designs are progressed further.

There is a presumption against the demolition of unlisted buildings, which make a positive contribution to the character or appearance of the conservation area (PPG15 para.4.27). The broad criteria for considering demolition proposals are similar to listed buildings and within paragraph 3.19 of the guidance such matters as the "adequacy of efforts to retain the building in use" are referred to. These efforts should include the offer of the unrestricted freehold of the building on the open market at a realistic price. We did not discuss the possible continued use of the Quayside buildings at my meeting with GVA Grimley, as I was not made aware of any potential for the transfer of the site to another interested party such as your company.

I have already referred to the redevelopment of the Quayside Edme site as having a likely contribution to the further erosion of Mistley's traditional riverside industrial and port identity. PPG15 recognises that the mix of uses is an important factor determining the way in which we experience a historic area. You refer in your representations to the 2006 conservation area appraisal drawing attention to the almost entirely industrial character of the central High Street. Such character statements are important in identifying the local distinctiveness of a historic area. The Conservation Area Partnership Strategy of 1998 was mindful that "regeneration of Mistley is not at the expense of the long term viability of these businesses". English Heritage as one of the partners of the scheme still supports this objective, and recognises that the port has been a central theme in Mistley since the Rigby's developments in the early eighteenth century.

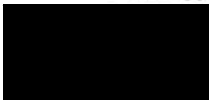
We are of course aware that any ill-considered intensification of industrial activity in the conservation area could by way of increased traffic generation or other environmental repercussions such as additional noise or dust cause nuisance for residents and other businesses. Such potential problems must be identified and taken into account in determining future planning applications. You have acknowledged that there are structures and areas within the overall Edme site like the listed maltings south of High Street where port uses would not be compatible with their historic character and fabric.

The Local Plan Inquiry and the appraisal of the Edme site and adjoining sites and buildings provides an excellent opportunity for the consideration of how this part of the Mistley and Manningtree Conservation Area can be successfully regenerated whilst preserving and enhancing its historic environment. English Heritage hopes that it will be possible to retain the variety of uses, activities and employment opportunities that give Mistley so much of its local distinctiveness.

PPG15 in paragraph 2.8 states that excessively detailed or inflexible policies concerning individual buildings or groups of buildings should be avoided. We especially support a careful examination of the options for the Quayside area, in particular those that not only limit as far as possible the amount of demolition and wholesale redevelopment but also would promote and celebrate the ethos of the working riverside town.

I hope that these comments are helpful to both your company and to all the parties with an interest in this part of the conservation area in Mistley. I have copied this letter to Tendring District Council and to those who attended the site meeting at Edme on 5th September 2006.

Yours sincerely



PP Michael Munt
Historic Areas Advisor

cc David Amos, Managing Director, Edme Limited
David Andrews, Historic Buildings and Conservation, Essex County Council
Phil Hornby, Conservation Manager, Tendring District Council
Vincent Gabbe, GVA Grimley LLP