



Application No: 160502

Location: Town Hall, High Street, Colchester, CO1 1PJ

Scale (approx): 1:1250

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7.5 Case Officer: Simon Cairns
CONSENT

LISTED BUILDING

Site: Town Hall, High Street, Colchester, CO1 1PJ

Application No: 160502

Date Received: 26 February 2016

Agent: Mr Martin Leek, Colchester Borough Homes

Applicant: Colchester Borough Council

Development: Installation of a new bench on raised platform in front of the existing bench in the council chamber, including new access ramp to provide wheelchair access and associated repositioning of adjacent fixed seating and benches. The works are desired to be fully reversible so that the chamber can be returned to its existing configuration.

Ward: Castle

Summary of Application: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

2.1 The key issues explored below are the impact of the proposed works on the special interest of this grade I listed building and the justification for the works.

3.0 Site Description and Context

3.1 This application for listed building consent for internal works relates to the Council Chamber on the first floor of the Town Hall. The works affect fixtures and furnishings.

4.0 Description of the Proposal

4.1 The works affect the main committee chamber and seek the removal of the later freestanding table in front of the dais bench; together with the forward most flanking row of benches. It is intended that these are carefully stored on-site for later re-use. The introduction of a raised section of floor is proposed in front of the dais served by a ramp followed by the reinstatement of a single row of flanking benches.

5.0 Land Use Allocation

5.1 DP6 Town Centre Uses

6.0 Relevant Planning History

- 6.1 The Town Hall has a history of successive applications for minor internal alterations and reordering. The most recent was considered at the meeting on the 31 March 2016 when consent was granted under reference 160415 for the removal of internal partitions.

7.0 Principal Policies

- 7.1 Planning law requires that applications for listed building consent should be determined in accordance with section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 that states: "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 7.2 Planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.3 Part 12 of the NPPF titled "Conserving and enhancing the historic environment" relates to consideration of heritage assets; including listed buildings. . Paragraph 132.of the framework states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification." Two categories of harm are identified namely substantial and less than substantial harm. These are addressed at paragraphs 132-134 of the Framework. All harm to a listed building is undesirable and requires clear and convincing justification.
- 7.4 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- UR2 - Built Design and Character
ENV1 - Environment
- 7.5 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP14 Historic Environment Assets
- 7.6 Further to the above, the Historic England Good Practice Advice Notes 1-3 (March 2015) should also be taken into account in the decision making process for applications affecting listed buildings or the historic environment generally.

8.0 Consultations

8.1 Historic England (formerly English Heritage) comments:

“The Town Hall in Colchester is a bravura essay in the Edwardian Baroque manner. It was built to the design of John Belcher, winner of an architectural competition for the job, in 1897-1902. The superb character of its exterior is matched by the splendour of its interior, and the Council Chamber, with painted ceiling and fixed seating of high quality, is naturally among its most important spaces. The Town Hall is listed at grade I on account of its exceptional architectural and historic interest.

Consent is sought for the removal of three benches to either side of the room, between the podium and the main semi-circle of seating, and of a table, to make way for a new row of seating in front of the podium. This, while still raised a little above the general floor level, would be lower than the podium, and would be accessible for those in wheelchairs.

Historic England consider that the proposed work would be consistent with the conservation of the Town Hall’s exceptional interest and significance, and consistent with the relevant policies of the National Planning Policy Framework. Although the work would erode the integrity of the original arrangement, it is necessary to meet the need for disabled access; and in providing for such access it would ensure the full use of the Council Chamber for its historic purpose. Such harm to significance as would arise would have a clear and convincing justification, and may be considered to be outweighed by public benefit - including that of maintaining the room in its “optimum viable use” (NPPF, 132, 134).

Recommendation

As Historic England consider the proposed work to be consistent with the conservation of the Town Hall’s significance we see no objection to the approval of this application, but recommend that consent should be qualified by a condition to secure the retention of the displaced furniture, something indicated in the application, and perhaps by a limitation to its duration, again in view of the applicants’ intention to reverse the work in due course.”

In addition to the details reported above, the full text of all consultation responses is available to view on the Council’s website.

8.2 Environmental Protection: Have no comments to make.

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 None received at time of report writing.

11.0 Parking Provision

11.1 N/A.

12.0 Open Space Provisions

12.1 N/A.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 This report considers:
- the impact of the proposed works on the special interest of the grade I listed building;
 - the justification for the proposals;
 - Conformity with good practice and the NPPF.
- 15.2 These proposed works arguably affect the climax of the series of highly ornamented interiors within this key Edwardian civic building with its eclectic Baroque styling and strong historicist references to the past glories of Roman Colchester. The works seek the reordering of the area immediately in front of the dais bench with the part removal of the first row of benches to allow the introduction of a raised platform served by a ramp to facilitate wheel chair access. The works are fully reversible and would not result in the loss of historic fabric since the fixed furnishings removed could be reinstated after careful storage if desired. The works as proposed would have extremely limited impact (negligible adverse) on the special interest of the building by the slight erosion of the original Edwardian interior.
- 15.3 In terms of justification, the proposed works would facilitate disabled access to enable wheel chair users to address the chamber. The present arrangement, dating from a period when such considerations of equality were not yet recognised, does disadvantage wheel chair users and the Disability Discrimination Act 2005 requires that every effort should be made where possible to provide for equality of access. In this case, the works to facilitate access would give rise to little or no identifiable or permanent harm and Historic England raise no objection.
- 15.4 The NPPF acknowledges that circumstances will occur where less than substantial harm to a listed building associated with works that are justified in the public interest may outweigh the harm (paragraph 134 NPPF) and the current scheme is considered to be both convincingly justified and to give rise to only marginal harm that is more than justified in the wider public interest of facilitating the use of the Chamber for the original purpose to provide equality of access.
- ### **16.0 Conclusion**
- 16.1 The works are well considered and fully justified and any limited harm identified is fully justified and outweighed by the public benefits of equality of access to permit the use of the chamber for its original purpose.

17.0 Recommendation

17.1 APPROVE subject to the following conditions.

18.0 Conditions

1 - Time Limit for LBCs

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent. Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Protection of Architectural Features

Prior to the commencement of any works, details of measures to be taken to secure and protect interior features of the building for the duration of the development works shall be submitted to and approved, in writing, by the Local Planning Authority and shall be fully implemented. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved plans/drawings or as may be required by the measures approved in pursuance of this condition without the prior written approval of the Local Planning Authority. In particular provision shall be made for the security and protection of the staircase and balustrade, vulnerable surfaces and finishes.

Reason: In order to ensure that there is sufficient protection to these features where there is insufficient information within the submitted application.

3 - *Architectural Salvage

Prior to the commencement of any works, a scheme setting out details of how the affected internal furnishings/fixtures forming part of the building shall be carefully taken down, protected and stored for later re-erection or re-use shall have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason: In order to ensure that this important feature shall be protected from damage and re-used.

19.0 Informatives

1 – ZUA – Informatives on all listed buildings

PLEASE NOTE: This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and /or contractors liable to enforcement action and/or prosecution.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.