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Item No: 9.3

Application: 180918

Applicant: Sir Bob Russell

Agent:

Proposal: Fitting of small plaque at the base of the tower of Lion Walk Church, south-facing, two metres from pavement, to commemorate the Colchester Earthquake in 1884.

Location: United Reform Church, 9 Lion Walk, Colchester, CO1 1LX

Ward: Castle

Officer: Eleanor Moss

Recommendation: Approval subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an Honorary Alderman.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact upon the special interest of the listed building. The scheme is considered to be acceptable providing the listed building is not adversely affected by the commemorative plaque, which can be controlled via condition.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site relates to a Grade II listed Church within the Town Centre Conservation Area. The site listing is as follows:

LION WALK 995 (West Side) TL 9925 SE 5/540 Congregational Church 1863. By Frederick Barnes of Ipswich, spire rebuilt after the 1884 earthquake. Random stone; in the Decorated Gothic style. 5 bay nave, each with a tall 3-light window with cinquefoil heads and diamond lattices. 4-light window with 3 roundels in the head on the west front. Tall octagonal steeple, cement rendered. Slate roof.

4.0 Description of the Proposal

- 4.1 The application seeks listed building consent for a commemorate plaque at Lion Walk Church.

5.0 Land Use Allocation

- 5.1 Town Centre - Mixed

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

CE2a - Town Centre
ENV1 – Environment
UR2 - Built Design and Character

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP14 Historic Environment Assets

- 7.4 The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan;
2. the extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. the degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application.

- 7.5 The application site is located within the Town Centre where there are no formally adopted Neighbourhood Plans for this area.

- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
Town Centre Public Realm Strategy

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Specialist Planning Manager:

It cannot be described as good practice to drill into / partially obscure dressed stone.

I would suggest that either a) the size / shape of the plaque is amended so that it fits between the quoins or b) an alternative location is selected for the propose plaque.

8.3 Archaeological Officer:

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

9.1 Non-Parished

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website.

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 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 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

The Proposal

- 15.1 This application seeks listed building consent for a memorial plaque on the spire of Walk Church, a Grade II listed building.

Heritage and Design

- 15.2 The Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (Listed Building Act) places a duty on the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Core Strategy Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Development Policy DP14 states that development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Core Strategy Policy UR2 seeks to promote and secure high quality design. Development Policy DP1 sets out design criteria that new development must meet and include the requirement to respect the character of the site and enhancing its surroundings. Government guidance on the historic environment is set out in paragraphs 126 to 141 of the NPPF. Paragraph 133 deals with substantial harm to a designated heritage asset. Paragraph 134 deals with less than substantial harm. Harm in this category has to be weighed against the public benefits of the proposal.
- 15.3 In this instance, the proposed plaque is 35cm in diameter, it will be set against the backdrop of the existing stone quoins of the church and accompanied by a metal plaque. The proposed size and location of the plaque raises concerns as the historic dressed stone will be compromised due to concealment and drilling and increases the visual clutter of the south elevation. As such it is recommended that a condition imposed upon any listed building consent in order to ensure memorial plaque is either reduced in size in order to avoid harm to the dressed stone or relocated elsewhere in the vicinity of the United Reform Church. Paragraph 134 of NPPF advises that any harm to a heritage asset should be weighed against the public benefits of a proposal. In this instance there are public benefits arising from the proposal which can outweigh the harm to the listed building on the basis conditions are secured. A condition is recommended in order to ensure the proposal is amended in size or location in order to protect the character of the listed building and architectural detailing.
- 15.4 For the reasons given above, it is considered that the application accords with Policies Core Strategy ENV1 and Development DP14 and the NPPF objectives that seek to conserve heritage assets subject to conditions.

16.0 Conclusion

16.1 To summarise, the proposal is considered to be acceptable subject to conditions in order to secure the proposal respects the character and architectural detailing of the listed building.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for APPROVAL of planning permission subject to the following conditions:

1. ZAB - 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. ZAX - *Development to Accord With Approved Plans (qualified)*

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings Referenced Site Plan and Colchester Earthquake Sign received on 20 April 2018

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area

4. Z00 – Non Standard Heritage Condition

Notwithstanding condition 2, no works shall take place until the size / shape of the plaque is amended so that it fits between the quoins or an alternative location is selected for the proposed plaque which will not cause damage to, or obscure, dressed stonework. The amended details shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In order to preserve the historic character of the listed building.

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.