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Item No: 7.2

Application: 222088

Applicant: Colchester City Council

Agent: Martin Leek

Proposal: Re-roofing of south aisle and south chapel (reusing existing clay plain tiles were possible) Associated repairs to existing timber trusses, timber rafters and adjacent lead valley. Installation of remedial ties at eaves level within south chapel. Repairs to stone gable end wall and maintenance repairs to rainwater goods and drainage.

Location: Holy Trinity Church, Trinity Street, Colchester, CO1 1JN

Ward: Castle

Officer: Eirini Dimerouki

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 Colchester Borough Homes on behalf of the Borough Council.

2.0 Synopsis

- 2.1 The application seeks consent to a program of repairs to the South Aisle and South Chapel of the former Holy Trinity Church. The former Church is listed at Grade I and is situated within the designated Colchester Conservation Area 1.
- 2.2 The key issue of consideration is the impact of the proposal on the special interest of the Grade I listed building.
- 2.3 Material planning considerations are taken into account in accordance with National and Local Planning Policy, along with consultation comments. The application is subsequently recommended for approval subject to conditions.

3.0 Site Description and Context

- 3.1 The application site is situated on the northern end of Trinity Street, one of the most attractive and picturesque streets in the historic town centre which comprises a high number of listed buildings. To the north, the site is bound by Culver Street West, a secondary commercial street that runs parallel to High Street; Pelham Lane which has been retained as a pedestrian link between the two commercial axes ends onto Trinity Square. Lion Walk Shopping Centre and Colchester Library, both erected in the 1970s, are located to the east and the south of the site respectively.
- 3.2 The site comprises the former Church and its churchyard that includes several trees and many tombs and monuments. The churchyard is enclosed by iron railings on top of a brick dwarf wall; to the east side, the enclosure is interrupted by the Vestry wall which is the subject of this application.
- 3.3 The former Holy Trinity Church is listed at Grade I (NHLE List Entry Number 1169575). Grade I listed buildings are of exceptional interest and only 2.5% of listed buildings are Grade I. The site was first listed on 25 February 1950 and its list entry describes it as follows: *“Particularly interesting for its fine pre-Conquest west tower, probably built mid C11, largely in Roman brick, 3 stages, pyramidal tiled roof; the west doorway has a triangular head and the windows are round-headed. This tower was built on to an earlier Church of circa 1000, of which only the west wall remains. The rest of the building is largely C14 and C15, much restored in 1886. There is an interesting monument - a mural alabaster monument to William Gilbert 1544-1603 famous for his researches into electricity.”*
- 3.4 A detailed description of the building is included in the “Inventory of the Historical Monuments in Essex, Volume 3, North East” of the Royal Commission on Historical Monuments of England, published in 1922. According to the account of the site’s development, the Vestry was added to

the east side of the Church when Holy Trinity was restored and extended with the North Aisle and North Chapel in the second half of the Nineteenth Century.

- 3.5 Holy Trinity was made redundant in 1956 and was briefly a museum and later, an arts centre and café. At present, it is vacant and not accessible to the public. Despite its vacant status, the historic site makes a very positive contribution to the Conservation Area. It is a green space between the busy commercial zones of Lion Walk Shopping Centre and Culver Street that contributes positively to the area by virtue of the aesthetic qualities of the historic church and the tranquil character of the churchyard.

4.0 Description of the Proposal

- 4.1 The application seeks consent to a program of repairs to the South Aisle and South Chapel of Holy Trinity. The proposed works include:
- removal of the existing clay plain tile roof covering to both slopes of the roof.
 - repairs to the timber trusses, timber rafters and adjacent lead valley, as appropriate.
 - installation of remedial ties at eaves level within the South Chapel.
 - reinstatement of the clay plain tile roof covering reusing existing clay plain tiles where possible and new handmade clay plain tiles to make up for the shortfall.
 - structural repairs to the rubble stone south-east gable end wall.
 - maintenance repairs to the existing rainwater goods and rainwater drainage.

5.0 Land Use Allocation

- 5.1 Residential, within Colchester settlement limits.

6.0 Relevant Planning History

- 6.1 The recent planning history of the site includes Planning Permission 110030 and Listed Building Consent 110031 for the "Change of use from former museum to a cafe with occasional music events and church services. General refurbishment and decoration to main church hall, addition of gate and railings to prevent access into tower. Refurbishment of kitchen and WC facilities including creation of new disabled WC.", granted on 23 March 2011. Advertisement Consent was granted in 2016 for the interpretation panel on the railings on Trinity Street. Application 211240 that sought consent to a permanent art mural on the external wall of the Vestry was refused in July 2021.

7.0 Principal Policies

- 7.1 Planning law requires that applications for Listed Building Consent must be determined in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Regard is also given to

Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

- 7.2 The National Planning Policy Framework (NPPF 2021) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. The NPPF's Section 16 "Conserving and enhancing the historic environment" provides the guidelines for the protection and conservation of heritage assets, including listed buildings and Conservation Areas. Paragraph 199 determines 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 (and the more important the asset, the greater the weight should be). Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 201 and 202 identify and deal with two levels of harm respectively: substantial and less than substantial harm linking their justification to the public benefits that can potentially outweigh them.
- 7.3 Moreover, planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise. Continuing the themes of the NPPF, Colchester Local Plan 2017-2033 – Section 2 includes the adopted policy DP16- Historic Environment which seeks to conserve and enhance the historic environment and safeguard the Borough's history through the protection of and enhancement of sites of national, regional and local importance.
- 7.4 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 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 Historic England

"Holy Trinity is particularly interesting for its fine pre-Conquest west tower, probably built mid 11th century; largely in Roman brick, in three stage with a pyramidal tiled roof. The west doorway has a triangular head and the windows are round-headed. The tower was built on to an earlier Church of circa 1000, of which only the west wall remains. The rest of the building is largely 14th and 15th century and was much restored in 1886.

The former Church is listed at grade I in recognition of its outstanding architectural and historic interest.

Consent is sought for re-roofing of south aisle and south chapel (reusing existing clay plain tiles where possible). Associated repairs to existing timber trusses, timber rafters and adjacent lead valley. Installation of remedial ties at eaves level

within south chapel. Repairs to stones gable end wall and maintenance to rainwater goods and drainage.

On the basis of the information available to date, we offer the following comments.

Having considered the documentation submitted with the application, including the Heritage Statement, Roof Repairs Schedule and Roof Repairs Specification produced by Colchester Borough Homes Limited, we welcome the proposed works which will assist in safeguarding the overall future of the historic fabric of this grade I listed building.

We therefore support the application on heritage grounds."

8.3 Environmental Protection

"Should planning permission be granted Environmental Protection wish to make the following comments:-

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

Should permission be granted for development, Environmental Protection recommends inclusion of the following advisory note: -

NOTE: Demolition and Construction

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance the should contact Environmental Control prior to the commencement of the works."

The recommended informative will be added to the decision notice but not the suggested planning condition as this application seeks Listed Building Consent.

9.0 Parish Council Response

9.1 Not Parished.

10.0 Representations from Notified Parties

10.1 None received at the time of the report drafting.

11.0 Parking Provision

11.1 N/A.

12.0 Accessibility

12.1 N/A.

13.0 Open Space Provisions

13.1 N/A.

14.0 Air Quality

14.1 N/A.

15.0 Planning Obligations

15.1 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. This application is for listed building consent only.

16.0 Report

16.1 The main material consideration for the decision of the application involves the impact of the proposed work on the special interest of the Grade I Holy Trinity, including any harm from alterations, interventions or loss of historic fabric or detrimental changes to its character, appearance or setting. An additional consideration involves the potential of the proposal to affect the Conservation Area.

16.2 A condition survey of the church was carried out in 2021, including a structural inspection. The findings and recommendations of the structural assessment are presented in the Structural Engineer’s Report that accompanies the application.

16.3 The reports notes various defects in the fabric of the South Aisle and South Chapel, including depressions and movement in both the ridge line, eaves line and plane of the roof (rafter zone), lateral movement to the eaves/gutter line, a large crack along the inside edge of the eastern gable wall at roof level, damaged and loose roof tiles and deformation of the gable wall over the head of the gable window.

16.4 The report also explains that a small section of tiles and battens were removed prior to inspection, to expose some of the roof timbers. The exposed rafters appeared to be sound, with no obvious visible signs of decay but the report clarifies that the inspection opening was positioned away from the crack at the gable end (suggesting thus that water ingress from the crack may have affected the roof structure at that area). Moreover, at the subsequent review of the photographs taken on site, some mould growth was noted to the secondary timber forming the eaves, suggesting a damp environment. The exposed timber battens varied from structurally sound to badly degraded.

16.5 Moreover, the report draws attention to a visible outward lean, indicative of roof spread that was apparent to the southern elevation wall. The lean appears to start approximately between the two middle windows and worsens towards the south eastern corner at the easternmost window. The condition of the wall was further assessed with the help of photographs taken from the scaffold that was

erected for the purposes of the inspection. The report notes cracks to the masonry wall around the foot, side and head on the eastern side of the easternmost window. These cracks are also visible from the interior. The adjacent corner buttress is also showing signs of movement with both cracking and opening of joints to the masonry units..

- 16.6 The remainder of the south elevation, including the South Porch appeared to be free of long cracks and signs of movement . However masonry weathering is still present throughout and typically worse near to ground level.
- 16.7 The report presents the findings from the internal inspection as well. The south elevation wall, towards the eastern corner, showed the same lean as from the outside. Cracks in the plaster are present, particularly at high level in the corner and over the gable window. The plaster appears to be damp suggesting water ingress from above. The timber trusses are partially concealed by the ceiling but the areas of damp in the plaster suggest the end timber truss is also wet.
- 16.8 The report concludes that there is a risk of the timber roof deteriorating from cracks at roof level or tiles are moved out of alignment which allow water ingress . The report notes that it is likely roof spread has started to occur at the south-eastern corner .The author clarifies that ,without access to the timber trusses, it is was not possible to determine their condition, but some timber degradation is likely to have occurred to the primary trusses and rafters given the pattern of internal damp and both external and internal cracking. The large spacing and style of the trusses also mean they are particularly susceptible to spreading. Some of the movement visible in the roof may be attributable to long term timber deflection or creep.
- 16.9 The recommendations include the opening up of the roof to reveal the primary structure and allow the detailed survey of the roof structure ; the findings of the survey would determine whether any damaged timbers would need to be replaced or repaired. Additionally, the roof spread can potentially be alleviated with remedial ties spanning across the eaves at truss feet positions. Further movement to the deformation on the south eastern gable can most likely be mitigated by use of suitable ties and pattress plates. Moreover, it is recommended that the cracks to the masonry are fully repaired, removing and replacing any badly damaged or split masonry units and repointing where required. A masonry strengthening and repair system such as Helifix may be appropriate. Finally the report recommends a program of monitoring for the external walls whose lateral stability may be compromised and the

- 16.10 The present application covers the remedial works for the South Aisle and South Chapel which are recommended by the Structural Engineer's Report. The details and specification in the submitted Repairs Specification and Schedule of Works are appropriate for the building. However, as noted in the Structural Engineer's report, the precise scope and nature of certain works (especially the requirement for any timber repairs and the requirement and details of metal ties) cannot be determined before the opening up of the roof. However, agreement over the precise scope and details of these works can be secured with the use of appropriate planning conditions. Additional conditions would ensure that the works are executed with the appropriate details and craftsmanship.

17.0 Planning Balance and Conclusion

- 17.1 In conclusion, the application seeks consent to repair works to the South Aisle and Chapel of Holy Trinity as per the recommendation of the submitted Structural Engineer's Report. The details and specification set out in the accompanying documents (Schedule of Repairs and Repairs Specification) are appropriate for the site. The use of planning conditions is pertinent to ensure that the scope, nature and details for certain repairs (timber repairs, use of metal ties) is fully evidenced, determined and considered following the opening up of the roof.
- 17.2 The proposed works are necessary in order to remedy defects that have appeared in the fabric of the church and address their cause, to ensure the Grade I listed building is protected and preserved in a good state of repair. Therefore, the application would not result in harm to the significance of the designated heritage asset, thus according with the legislation, national and local planning policies for the protection of listed buildings.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:
APPROVAL of Listed Building Consent 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. ZLA – Only Works Shown Within Application

This approval is limited to the works described in the approved:

- T107-CBH-EB-ZZ-SP-B-0002: Holy Trinity Church – Roof Repairs - Specification (Colchester Borough homes, August 2022);
- T107-CBH-EB-ZZ-SP-B-0003: Holy Trinity Church – Roof Repairs - Schedule of Work (Colchester Borough homes, August 2022);
- T107-002-Rev.P01: Proposed Works,

and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved, in writing, by the Local Planning Authority prior to any works commencing. Reason: For the avoidance of doubt as to the scope of the permission and to ensure that the historic building is preserved from any other potentially harmful works.

3. ZLT – Timber Frame Details

Prior to the commencement of the any necessary repairs to the roof timber frame over the South Aisle and South Chapel hereby approved, annotated drawings and/or photographs, showing the full extent of works to be carried out to the timber frame and identifying the extent to which those works will be carried out, together with the methodology and materials to be used, shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Z00- Roof ties details

Notwithstanding the details hereby approved, no ties shall be incorporated in the roof before their details are submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where there is insufficient information within the submitted application.

5. Z00 – Sample tiles

Prior to any new roof tiles being laid, samples of the clay plain tiles to be used, together with samples of the existing tiles for comparison, shall be made available on site for inspection by the Local Planning Authority and shall be approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the tiles can be satisfactorily considered on site with regard to preserving the character of the listed building.

6.Z00 - Sample masonry repair

Prior to the execution of the masonry repairs hereby approved, a sample area showing the materials (rumble stones), lime mortar mix and pointing shall be prepared on site, inspected and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the details of the masonry repairs can be satisfactorily considered on site with regard to preserving the character of the listed building.

7.ZLX – Matching Existing Works

Notwithstanding the details hereby approved, all internal works and finishes and works of making good to the retained fabric shall match the existing work adjacent in respect of materials, methods, detailed execution and finished appearance.

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

8. ZLP – Hitherto Unknown

If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in context of the approved scheme shall be submitted for written approval by the Local Planning Authority

Reason: To secure the identification, recording and protection of features of historic and/or archaeological interest.

19.0 Informatives

19.1 The following informatives are also recommended:

ZUA - Informative on All Listed Building Consents

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.

ZUE - Informative When Leadwork is to Occur

PLEASE NOTE: All leadwork should follow the Codes and details recommended by the Lead Sheet Association.

ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.