

PLANNING COMMITTEE 8 SEPTEMBER 2011

- Present :-* Councillor Ray Gamble (Chairman)
Councillors Peter Chillingworth*, John Elliott*,
Stephen Ford*, Peter Higgins*, Theresa Higgins*,
Sonia Lewis*, Jackie Maclean*, Jon Manning,
Philip Oxford* and Laura Sykes*
- Substitute Member :-* Councillor Dennis Willetts
for Councillor Christopher Arnold*
- Also in Attendance :-* Councillor Nick Barlow
Councillor John Bouckley
Councillor Bill Frame
Councillor Will Quince
Councillor Henry Spyvee
Councillor Colin Sykes

(* Committee members who attended the formal site visit.)

Councillor Peter Chillingworth (in respect of being the Council's representative on the Building Preservation Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

51. 091305 and 091343 The Jumbo Water Tower, Balkerne Passage, Colchester, CO1 1PA

The Liberal Democrat members of the Planning Committee had been sent a letter by Bob Russell, Liberal Democrat, MP regarding the Jumbo Water Tower. On their behalf and at this meeting of the Planning Committee, The Chairman, Councillor Gamble, sought advice from the Committee Officer about whether the Liberal Democrats members of the Planning Committee should declare an interest in respect of having received the letter. Councillor Gamble was advised that there was no need for any Liberal Democrat member of the Planning Committee to declare such an interest in this item.

The Committee considered planning application 091305 for a change of use of the building and alterations to provide four flats, restaurant and offices, the erection of an ancillary building and associated works, together with the companion listed building application 091343. The Committee had before it a report in which all information was set out, see also the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site. The site visit did not include the access to interior of the building.

Sue Jackson, Principal Planning Officer, and Vincent Pearce, Planning Services

Manager, attended to assist the Committee in its deliberations.

Mr Light, Chairman of the Balkerne Tower Trust (BTT), addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He asserted that the application swept aside local and national planning policies. The only public access to the Tower would be to the restaurant so there would no access to views from the upper reaches of the building. The report before the Planning Committee claimed that the alternative BTT proposals were unrealistic, which ignored the promising responses that had been received from potential funders and the carefully calculated costings included in the proposals. The BTT proposals were criticised for their lack of certainty whilst the unrealistic claims of the applicant were accepted. The applicant's proposals were not viable. For significantly less than the cost of the applicant's proposals, BTT could restore the Tower and allow Jumbo to take its rightful place as a significant heritage asset and tourist attraction. The Committee should agree with consultees and local residents and refuse the application.

Mr Ward addressed the Committee on behalf of the applicant pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Jumbo was a dominant and much loved feature which required sensitive treatment. The changes to the tower were designed in an architecturally sensitive manner and sought to complement the existing structure. The form of the building would be kept and the proposed changes to the water tank would not affect the fabric of the building. There was no viable alternative use to those proposed and the BTT proposals were neither realistic nor financially sound. The applicant proposed to maintain long term control of the assets in the tower in order to recover his investment. The advantage of this scheme over the scheme put forward in 2001 was that only two sides of the tank would be removed and a comprehensive architectural approach had been taken to the infilling of the legs. The application would bring the building back into public use and would result in the enhancement of the tower and the surrounding conservation area.

Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee. He drew the Committee's attention to the advice provided by the Conservation Officer. This made it clear that the main issue was the impact that the development would have on the special interest of the tower and the character and appearance of the conservation area. The proposals in this application failed the test set by the Conservation Officer, whilst the scheme proposed by BTT met the test. English Heritage made it clear that the proposals would radically alter the building and criticised the applicant for not considering alternatives. He also drew the Committee's attention to comments from other consultees such as the Spatial Policy team of the Council, the Victorian Society and the Highway Authority. Ignoring the views expressed by officers and consultees would send the wrong message to developers. Jumbo was a very significant building for Colchester and there was now a chance to own and preserve it. Pursuing the BTT scheme would put the chance of success where it should be, in the hands of the people of Colchester.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. The importance of Jumbo as a symbol of Colchester was highlighted by its use, along with the Town Hall and the Castle, on the front of Colchester's bid for City

Status. The key damage that would result from this application would be the infilling of the spaces between the legs of the tower. Also this scheme failed to give any public access to the Tower, except to patrons of the restaurant. BTT had not been given sufficient time to come up with alternative proposals and he noted that English Heritage recommended deferral for exploratory talks. It was important that all options were explored and he recommended that the Committee defer its consideration of the applications to see if BTT could bring forward a viable proposal.

In response to queries from the Committee about the status of BTTs proposals and the likely prospects of any deferment for further negotiations, planning officers explained that BTT were in a difficult situation in that they needed to own the tower in order to apply for grants and funding to bring forward their proposals, but without funding they were unable to move forward and attempt to purchase the building. Whilst their proposals had received a sympathetic response from potential funders, they had not elicited the necessary funding. The applicants were willing to meet BTT but felt this was unnecessary as there was so little prospect of an agreement being reached. It was therefore considered that the prospect of a scheme to preserve the tower being brought forward was unrealistic and therefore the Committee should determine the application.

The Committee were informed that the Department of Communities and Local Government had issued a direction under Article 25 of the Town and Country Planning (Development Management Procedure) Order 2010 directing that if the Council were minded to grant the application, the Secretary of State must be afforded the opportunity to consider whether the application should be referred to him for determination.

Members of the Committee expressed concern about the impact of the proposal on the appearance and character of the building. It was noted that the tower was a grade two star listed building which reflected its unique character. Particular concern was expressed about the glazed infilling of the spaces between the legs of the tower. The glazed infilling would change the aspect and views of the building as light would no longer be seen through the legs of the tower. This would fundamentally alter the unique character and appearance of the building. The sense of the building as an ornate tank supported on legs would be lost. Another issue of concern was the glazing of two sides of the water tank. The water tank was a key feature of the building and an integral part of its character. Glazing two sides of the tank would lead to the loss of the detailing on the tank and change the character of the building. Not only would the proposals cause significant harm to the character and appearance of the building, but they would also adversely affect the surrounding conservation area. The proposed scheme was more radical than a previously refused scheme.

Concern was also expressed that, notwithstanding the town centre location, the proposed parking provision of two vehicle spaces for the use of the penthouse flats was in breach of the current parking standards. It was noted that the Highways Authority recommended refusal on the basis of the parking provision.

Some members of the Committee expressed concern that insufficient information about whether further works would be needed to comply with fire and building

regulations. In particular it was felt that if an external staircase was required to provide a means of escape from the building, this would seriously compromise the character of the building.

It was noted by members of the Committee that the proposals would not allow public access to the tower. Some members expressed their disappointment that the Committee site visit had only looked at the exterior and setting of the building and had not had access to the interior of the building. The Committee were advised that in relation to this application, it was external views of the building and consideration of its impact on the surrounding area that was important and this could be assessed without access to the building itself. Therefore an internal site visit was not necessary. Nevertheless, there was concern about the condition of the building and the Committee requested that should the application be refused, the Planning Service manager should arrange to inspect the site both internally and externally to see if any action was required to secure repairs to the building or the appearance of the site.

In discussion, other members of the Committee expressed support for the proposals. The importance of the tower to Colchester was appreciated. However, the tower was decaying slowly and was on Essex County Council's Heritage at Risk register. The only realistic way of securing the future of the tower was through the types of uses proposed by this application. This approach was in line with PPG15. It was important to minimise the changes to the fabric of the building to keep the harm to the appearance of the building to a minimum. In this context it was noted that only two sides of the water tank would be replaced by glass. The side of the tank visible from the High Street would not be replaced. A similar glazing scheme on the tower at Wivenhoe had not adversely affected the character of the building. Also it was stated that the infilling of the legs with glazing would be in keeping with the Romanesque tradition. Concerns about the infilling of the legs were noted but any scheme to develop the tower would need a similar element to this. The proposed development was sympathetic to the character of the building which would only change the nature of the building marginally. Approving the application would be in the long term interests of the building.

RESOLVED (SEVEN voted FOR, FIVE voted AGAINST) that the applications be refused for the following reasons:-

- The proposed works to the building would have an adverse impact on the character, appearance and setting of the listed building. In particular the glazed infilling of the legs of the tower of the building would cause significant harm to the building and fundamentally alter the unique character and appearance of the building and compromise the sense of the building as a tower. The glazing of two sides of the tower would cause significant harm to the character and appearance of the building.
- The proposed works and the change in the character and appearance of the building would have an adverse impact on the character and appearance of the conservation area.
- The proposed works to the building would result in a loss of sense of place by removing the sense of uniqueness that the tower brought to the location
- The proposed works to the building would result in a loss of sense of identity.
- Insufficient information had been submitted to enable the Council to properly assess

the application including whether further works are required to comply with fire and building regulations.

- The proposed parking provision was not in accordance with current parking standards and would lead to indiscriminate parking in the adjacent highway contrary to the safety and efficiency of the highway and the proposal would lead to loading, off-loading and servicing within and from the adjacent street, causing danger and obstruction to road users contrary to highway safety and efficiency.

52. 111170 Land adjacent to 47 Belle Vue Road, Wivenhoe, CO5 8PA

The Committee considered a reserved matters application seeking approval of the appearance, landscaping, layout and scale relating to conditions 1, 2, 3, 5, 8, 9, 10, 11, 15, 17, 18 and 20 for permission 090822 for a new three bedroom dwelling. The Committee had before it a report in which all information was set out, see also the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

RESOLVED (UNANIMOUSLY) that the application be deferred and delegated to the Head of Environmental and Protective Services pending the consideration by the Council's Arboricultural Officer of the updated arboricultural assessment. Condition 2 to be amended to include the drawing showing the amended access detail.

53. Compliance with Condition 17 of Application 071786 // The Old Oyster Sheds, Coast Road, West Mersea

This item was withdrawn from the agenda in advance of the meeting by the Planning Services Manager.