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**Item No:** 7.9

**Application:** 210595

**Applicant:** Colchester Borough Council

**Agent:** Mr Martin Leek

**Proposal:** Removal of existing wooden library shelving within the former court's law library room within the Town Hall. Existing boxing out above the shelving will be retained so as not to affect or alter the moulded plaster covering around the ceiling, meaning the existing sign will also be retained in-situ. Removal of the shelving will enable installation of new fixtures and fittings to the walls within the room to be carried out

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

**Ward:** Castle

**Officer:** Eirini Dimerouki

**Recommendation:** Approve listed building consent 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 key issue for consideration is the impact of the proposed works on the heritage significance of the Town Hall, a Grade I listed building. The application covers the same set of proposals that was included application 200040 which was deferred by the Planning Committee of 05 March 2020 . Therefore, the report also examines whether the reasons for the deferral have been addressed by the present application.
- 2.2 The application is subsequently recommended for approval subject to conditions.

## **3.0 Site Description and Context**

- 3.1 The application relates to the Town Hall in High Street. The building is listed at Grade I and its list description is as follows:

*“1898, by John Belcher. Exceptionally rich design in free classical style: red brick and Portland stone. 3 storeys, lowest one stone-faced with central entrance, carved brackets to porch support balcony above. 3 pairs of engaged Corinthian columns rise through 1st and 2nd storeys to support 2 segmental and one triangular pediment. Large coat of arms above latter, breaking balustrade to roof. Statues in high relief between 2nd storey windows. Victoria tower, on return, rises above pair of bay windows. 162 ft high topped by statue of St Helena. Lower stage of brick, upper part of stone: very elaborate with 4 bronze ravens and 4 stone figures - Fishery, Engineering, Military Defence , Agriculture. One of the bells is from the Old Town Hall. Circa 1400 (RCHM).”*

- 3.2 The Town Hall is located in Colchester Conservation Area No. 1 and is one of Colchester’s landmarks. The impressive building is a key focal point in the views along High Street, while the tower dominates the skyline and is a significant element of the townscape.
- 3.3 The proposal concerns the former Court’s Law Library which is located on the Ground Floor of the Town Hall and currently serves as meeting room for the Liberal Democrat Group . The proposed works aim to enable the room’s refurbishment and conversion into Member’s Room which will be used by all Political Groups.
- 3.4 The proposal was the subject of application 200040 that was referred to the Planning Committee and was considered at the meeting of 5 March 2020 (Item 7.3). The details of the discussion , as recorded in the Minutes of the Meeting, are available at [Document.ashx \(cmis.uk.com\)](https://document.ashx?cmis:uk.com).

- 3.5 In conclusion, members of the Committee expressed their concerns that the proposed use of the room that necessitated the removal of the shelving did not constitute sufficient justification for the impact that the works would have on the listed building. The concerns related to the size and location of the room which were not regarded suitable for the intended purpose. It was suggested that other locations, which may not require alterations to the listed building, might be more appropriate (such as the Old Library). Members of the Committee also recommended that the return of the law books to the Former Law Library is considered instead. The Committee resolved unanimously that the application be deferred to allow for alternative options to be explored (including the potential for the law books to be restored to the shelves).
- 3.6 The date of the decision was then consecutively extended in order to allow time for the Applicant to address the issues that were raised by the Planning Committee. However, the project was eventually abandoned due to budget considerations under the circumstances of the COVID pandemic and the application was withdrawn in July 2020.
- 3.7 A new application was submitted this year with the same set of proposals. The report reviews anew the main heritage consideration which is the proposal's impact on the special interest for the Grade I Town Hall and examines whether the reasons for the deferral of application 200040 by the March 2020 Planning Committee have been addressed.

#### **4.0 Description of the Proposal**

- 4.1 The Former Court Law Library Room is situated to the west of the Town Hall's Entrance Hall. The room measures approximately 7.5 X 4.5 m. The door is located on the northern wall, while the western wall is configured with three internal windows. The three remaining walls are covered by the bookshelves which are the subject of this application. The bookshelves are arranged in eight rows that reach from floor level up to approximately 30cm beneath ceiling level. The shelving to be removed is primarily of softwood construction with a hardwood lipping to the front of the shelves and the dividers. The top of the bookcase's frame has decorative moulding but other than this feature, the shelving's appearance is unadorned and simple in character. The shelves on the wall opposite the door and to the left must have been installed when the room was originally furnished as there is no skirting along these walls and the furniture is fixed directly to the wall. These sections of the shelving retain the letter tabs on top of the frame that served the alphabetical filing of the books. The section over the door wall appears to be a later addition in the same style as the original, since there is skirting along the length of the wall and the base of the bookcase was modified to fit over that feature. On the southern wall that faces the door, there is a decorative plaque between the top shelf and the ceiling cornice that reads "The Recorder's Law Library".
- 4.2 The application seeks consent to the removal of the bookcase which will enable the installation of new fixtures and fittings to the room. The proposal is to retain the frame in order to preserve in-situ the features of the shelving that have certain interest (the moulded top and the letter tabs), as well as avoid any impact to the plaque with the room's name and the ceiling moulded

cornice. A new moulded timber skirting of size and profile to match existing would be installed to the walls where there is no skirting at present (eastern wall).

## **5.0 Land Use Allocation**

### **5.1 DP6 Town Centre Uses**

## **6.0 Relevant Planning History**

- 6.1 C/COL/03/1846 - Change of use from Civic Hall and Council Offices to Civic Hall and Council Offices and commercial functions/business meeting rooms - Town Hall, High Street, Colchester – Approved 12/12/2003.
- 6.2 090383 - Creation of new gated entrance and flight of steps with landings to form accessible route to building together with new stepped access to churchyard. Installation of stair lift with support guide rail and new external lighting – Town Hall Chambers Churchyard, St Runwalds Street, Colchester – Approved 08/07/2009.
- 6.3 090735 - Creation of new gated entrance and flight of steps with landings to form accessible route to building together with new stepped access to churchyard. Installation of stair lift with support guide rail and new external lighting - Town Hall Chambers Churchyard, St Runwalds Street, Colchester – Approved 27/08/2009
- 6.4 091425 - Internal decorations to the moot hall area, rewire works to moot hall and council chamber, external fabric repairs and decorations and the insulating of the roof void above the moot hall – Town Hall, High Street, Colchester – Approved 21/01/2010.
- 6.5 111289 - Listed building application to install an additional handrail to the main internal staircase – Approved 18/11/2011.
- 6.6 120371- Proposed installation of four micro antennas below the cupola of the Town Hall Tower to provide a wide area Next Generation Access broadband service to residents and businesses of Colchester Borough – Approved 10/05/2012.
- 6.7 120349-Listed building application for new extractor hood installed in Kitchen – Approved 22/08/2012
- 6.8 132801- Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct – Approved 04/02/2014.

- 6.9 132802- Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct – Approved 21/02/2014
- 6.10 120301-Upgrade of existing emergency lighting system– Approved 24/05/2012.
- 6.11 160415- Proposed removal of 1x plasterboard stud work, non-load bearing wall to reinstate original room size – Approved 01/04/2016.
- 6.12 160502- 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 – Approved 31/05/2016.
- 6.13 161058- Restoration of clock face, including removal of opal glass, and replacing glass with opal Perspex – Approved 05/07/2016.
- 6.14 190551-Face bed new ashlar in Portland Whit Bed Stone to re-establish inscription to Foundation Stone- Approved 26/04/2019.
- 6.15 201296: Remove existing freestanding chimney replace with a new flue mounted on a freestanding support post - Approved 27/08/2020.
- 6.16 202636: Installation of structural steel members to support the PBX Room floor loadings to accommodate new ICT server cabinets & associated ICT equipment – Approved 25/01/2021.

## **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 which requires that “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 The National planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. NPPF’s Section 16 “Conserving and enhancing the historic environment” provides the guidelines for the protection and conservation of heritage assets, including listed buildings. Paragraph 193 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 194 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 195 and 196 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 2001-2021 includes the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) which adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- ENV1 – Environment
- 7.4 In addition, also relevant are the adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP14 Historic Environment Assets
- 7.5 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**

*“Thank you for your letter of 5 March 2021 regarding the above application for listed building consent for removal of the existing wooden library shelving within the former Court's Law Library room within the Town Hall. Existing boxing out above the shelving will be retained in order not to affect or alter the moulded plaster coving around the ceiling and the existing signage will also be retained in situ.*

*On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.”*

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

## **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.

## **16.0 Report**

16.1 The main issue raised by this application is the effect that the proposed works would have on the special interest of this Grade I listed building.

16.2 Historic England’s Conservation Principles, Policies and Guidance (2008) identify four main heritage values that are associated to historic assets: evidential value; historical value; aesthetic value; and communal value. The Town Hall’s exceptional interest is the sum of these values can be ascribed to the Grade I listed status of the building.

16.3 The contribution of the shelving at the Former Court Law Library Room to these heritage values is assessed as follows:

- Evidential value (derives from the potential of a place to yield evidence about past human activity): the shelving provides evidence for the past use of the room but the proposal to retain the frame of the bookcase and the wall plaque with the room name will preserve the record of the room’s original function;
- Historical value (derives by the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative): the shelving has some historical value as an original fixture of the Town Hall , but it’s intrinsic value is quite low as it is a utilitarian feature which doesn’t have any associations to the public functions of the Town Hall, any important civic events of Colchester’s history on notable personalities.
- Aesthetic value (derives from the ways in which people draw sensory and intellectual stimulation from a place): the shelving has a utilitarian appearance without particular aesthetic qualities. The only feature which aspired to add some decorative effect – the moulded cornice on

tip of the frame- will be preserved in situ, along with the plaque with the room name that contributes to the character of the room.

- Communal value (derives the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory- it can be commemorative and symbolic, social and spiritual): no such value can be associated to the shelving that is located to a room of the Town Hall that hasn't been accessible to the public and has never served public functions.

16.4 The proposed removal of the shelving which is a period fixture that dates from the construction of the building would result to some loss of historic fabric, albeit of low significance and not integral to the building. Taking into account the assessment of the shelving's contribution to the special interest of the listed Town Hall as discussed in Par.15.3 , as well as the proposal to retain the features that attribute certain evidential, historical and aesthetic value to the bookcase, the impact of the shelving's loss would result to a low level of less-than- substantial harm to the special interest of the Grade I listed building.

16.5 The removal of the shelving would enable the installation of new fixture and fittings to the room which would improve its functionality , increase its potential to accommodate a variety of activities and make it available to a wider group of users. The NPPF's Par.196 determines that when development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Having in mind the expected benefits from the refurbishment for the room and consequently for the Town Hall, the proposal is considered to secure sufficient public benefit that outweighs the less-than-substantial harm associated with the loss of the shelving.

16.6 However, the room was not regarded appropriate for the proposed use by the members of the Planning Committee that considered the previous application on 5 March 2020. The Committee was of the view that there was insufficient justification for the harm to the listed building which would result from the removal of the shelving and the application was deferred for the reasons that are summarized in Par.3.5 of this report.

16.7 The review of the present application examined whether the issues that were raised at the Committee meeting have been addressed. The Applicant provided evidence by email correspondence to demonstrate that the concerns of the Planning Committee were taken into account before the application was resubmitted. The Applicant explained that other spaces which were considered, such as the Old Library, were allocated to other Councillor functions. The Applicant also clarified that the law books that were once stored in the former Court's Law Library are no longer available to be restored to the shelves. An additional consideration for the plans to convert the room involved the extra added value of a space where Town Hall users can socialise in times of mental health pressures and disconnection under the circumstances of the COVID pandemic. Finally, the Applicant pointed out that the proposal has been circulated again in cross-party groups of Councillors and there have been no



comments or objections to suggest that the conversion of the room is not desirable.

- 16.8 On the basis of the provided information, it is regarded that there is demand for the refurbishment of the room, to constitute sufficient justification of the proposal in accordance with the requirement of the NPPF's Par.194. As discussed in Par.15.5, the conversion of the room into a flexible space that can accommodate a variety of activities would be beneficial to the Town Hall and its users, securing thus sufficient public benefit to outweighs the less-than-substantial harm associated with the loss of the shelving., in compliance with the Framework's Par.196.

## **17.0 Conclusion**

- 17.1 To summarise, the proposal for the removal of the shelving of the Former Court Library would result to some loss of historic fabric. However, by virtue of low the intrinsic interest of the shelving, its limited contribution to the heritage values of the listed Town Hall and the careful consideration has been given to the preservation of the features that contribute to the character of the room and provide evidence of its past use, the harm from its removal is classified within the lower spectrum of less-than substantial harm to the special interest of the listed building. The removal of the shelving would enable the refurbishment of the room that would generate sufficient benefits for the use of the Town Hall to outweigh the expected harm. The issues that were raised with regard to the proposal by the Planning Committee at the 5 March 2020 meeting were taken into consideration and addressed by the Applicant prior to the resubmission of the application. Therefore, the proposal is considered to comply with the statute and national/local policies for the protection of designated heritage assets and consequently there are no objections to its approval.

## **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 Limits 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 shown on the approved drawing:

- COR 4011856 - 02: Ground Floor-Former Law Library,

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 work 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. ZLR: Making good**

Within one month of the works being carried out, all adjoining surfaces which have been disturbed by the works (including brickwork, plaster and floor tiles) shall be made good with materials and finishes to match those of existing undisturbed areas.

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

## **19.0 Informatives**

19.1 The following informatives are also recommended:

### **1. 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.