

## **Jumbo water tower**

### **Comments re planning applications 091305 and 091343**

#### **from Balkerne Tower Trust Ltd**

We register our opposition to the above applications.

May we first refer to the alternative scheme for Jumbo put forward by Balkerne Tower Trust, supported by the recently completed Options Appraisal by Purcell Miller Tritton, of preserving Jumbo, providing public access to this intrinsically interesting and unique historic building, and contributing to Colchester's tourism. Full details, including the complete Options Appraisal, can be seen at <http://www.savejumbo.org.uk>

1. We refer to the CBC Local Adopted Plan 2004, many policies of which are current CBC policy as they not listed in the Adopted Core Strategy (2008), Appendix E, as being superseded by the latter. Among the still current policies are:

*TCS21 Development will be refused where it would prejudice the importance of the Town Centre as the main leisure, tourism and cultural centre for the Borough.*

We submit that the planning applications contravene this policy, as the provision of flats and office space in an historic building would indeed prejudice the importance of the Town Centre as the main leisure, tourism and cultural centre for the Borough.

Section 10 – Leisure, Recreation and Tourism, states:

*10.3 The Plan's objectives in terms of leisure, recreation and tourism are:*

*(a) To promote Colchester Town Centre as the Borough focus for major leisure, cultural and visitor facilities;*

*(c) To promote sustainable tourism and the development of visitor attractions in appropriate locations and to improve facilities for visitors to the Borough;*

Balkerne Tower Trust's proposal for Jumbo satisfies these conditions, whereas the current applications do not.

The Local Plan 2004 includes a Proposals Map which defines Insets (areas of the Borough allocated to specific purposes). On this map, Jumbo lies in Inset CT, which includes the Mercury Theatre and the Arts Centre, and is specifically allocated to Culture, Leisure and Tourism. The provision of new flats and office space, as in the current applications, cannot be defined as culture, leisure or tourism. The current applications therefore clearly contravene this current CBC policy. Again, our proposals fully satisfy these conditions.

2. We refer to the Adopted Core Strategy (2008). Page 11:

*The Core Strategy builds on the Strategy's Vision for Colchester in 2020: Colchester, excelling as a prestigious regional centre, that is:*

*An iconic destination for culture and learning, nationally and internationally.*

We submit that the Balkerne Tower Trust proposal for Jumbo would contribute significantly to this definition of a 'prestigious regional centre', and be a destination for culture and learning, whereas the scheme put forward in the planning applications do neither of these.

Policy CE2a of the Adopted Core Strategy states:

*The Town Centre Core contains important historic character which must be protected and enhanced by all development.*

We submit that the Balkerne Tower Trust proposal for Jumbo would protect and enhance the historic character of Jumbo, whereas the scheme put forward in the planning applications would overwhelm and distract from it.

Policy UR2 of the Adopted Core Strategy states:

*The Council is committed to enhancing Colchester's unique historic character which is highly valued by residents and an important tourist attraction. Buildings, Conservation Areas, archaeological sites, parklands, views, the river and other features that contribute positively to the character of the built environment shall be protected from demolition or inappropriate development.*

We submit that, again, the Balkerne Tower Trust proposals are fully in accordance with this policy, whereas the planning applications constitute inappropriate development which would overwhelm Jumbo's historic character.

The 'Explanation' of the above policy includes the following:

*Colchester's historic buildings and features are one of its most valuable assets. The protection and enhancement of these assets is an essential element in the development of Colchester as a prestigious regional centre.*

To this we make an identical comment.

3. We refer to the 2020 Community Strategy, under the heading 'Our Priorities/Heritage and Culture':

*Colchester will be widely regarded as one of the country's leading cultural centres and will have established a strong brand within Europe. We will have a range of facilities, attractions and programmes which are outstanding, innovative and widely available to all.*

We submit that the Balkerne Tower Trust proposals would constitute an outstanding attraction available to all, whereas the only public attraction in the current planning applications is the restaurant, which has no intrinsic relevance to the building and

cannot be said to be outstanding or innovative.

4. We refer to PPG15, Planning and the Historic Environment:

*1.1 It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity.*

*3.3 There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section, for alteration or demolition. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to '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' (section 16).*

From para 3.3 above, it is surely clear that the Balkerne Tower Trust proposals should be given serious consideration prior to any decision to substantially alter the historic Jumbo.

*3.8 Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation.*

It is admitted in the supporting documents of the planning application that the submitted scheme will *not* be viable. See eg the Report and Valuation para 19.0, which assesses all the schemes considered to result in a capital loss of well over £1 million in all cases. The best that can be said in terms of viability is that the mixed use scheme applied for is a long term gamble dependant on an improvement in market conditions. In para 16.1 of the same document, the current value of Jumbo as it stands is assessed at less than zero.

*3.11 If a building is so sensitive that it cannot sustain any alterations to keep it in viable economic use, its future may nevertheless be secured by charitable or community ownership, preserved for its own sake for local people and for the visiting public ...*

As a viable commercial use cannot be found, this is an additional reason to consider the alternative put forward by Balkerne Tower Trust.

*3.12 Many listed buildings are already in well-established uses, and any changes need be considered only in this context. But where new uses are proposed, it is important to balance the effect of any changes on the special interest of the listed building against the viability of any proposed use and of alternative, and possibly less damaging, uses. In judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question.*

Comment as above.

*3.15 The preservation of facades alone, and the gutting and reconstruction of interiors, is not normally an acceptable approach to the re-use of listed buildings: it can destroy much of a building's special interest and create problems for the long-term stability of the structure.*

The current applications include the 'gutting and reconstruction' of the interior of Jumbo, and the removal of many items of historic interest such as two walls of the tank and the pipes and valves associated with the original use of the building.

*C7 Modern extensions should not dominate the existing building in either scale, material or situation. There will always be some historic buildings where any extensions would be damaging and should not be permitted.*

By any standard, the proposal to fill in the legs of Jumbo with additional highly visible floors will dominate and drastically alter a major feature of the building – its distinctive profile, visible from many vantages in the town.

5. We refer to the Appeal Decision of Inspector A J Bingham, Dec 2001.

Referring to the then CBC Local Plan, the Inspector wrote:

*9. This Local Plan is progressing towards formal adoption ... I accept that its content amounts to a material consideration, but it cannot be given the weight of a statutorily adopted plan.*

The status of the Local Plan is now adopted. He was saying that had the Local Plan been adopted at the time, it would have influenced his decision.

The Inspector did not allow the schemes which included removal of all the tank walls. He wrote:

*37. Had Jumbo not been listed I consider that replacement of all the walls of the tank as proposed in schemes B and D to have presented an admirable design solution ... I find [schemes B and D] too radical in the context of the structure's listed status.*

At the time of the appeal Jumbo was listed Grade II. It is now listed Grade II\*. In the light of the Inspector's comments above, it cannot be assumed that the removal of any of the tank walls is currently acceptable.

The Inspector made this comment about the history of Jumbo:

*15. ... This history is of great interest and I acknowledge it to be a material consideration in the determination of the appeals.*

The history of the tower is central to the Balkerne Tower Trust's proposal. In the current applications it is totally ignored.

6. It was repeatedly claimed during the 2001 Appeal hearing, and unfortunately accepted by the Inspector, that the cost of basic repairs at 1996 prices was £506,072. This was updated to £675,500 in 2001 for the Appeal. This latter figure has again been taken at face value and updated to £881,000 in the Financial Appraisal of Options study submitted with the applications.

The phrase 'basic repairs' applied to this figure is a misnomer. It is based on section 2 of the 1996 Feasibility Study by Purcell Miller Tritton for CBC. A study of this section, however, reveals that it is the cost of a *recommended list of work* on the building. This includes a new lead roof, anti-pigeon guards, additional gutter discharge pipes, safety glass in the cupola windows and new lighting and emergency lighting systems. But these are not basic repairs; they constitute *betterment* of the building. In both the previously allowed penthouse conversion and the current applications, for example, the copper roof is to be retained.

We trust these comments will be taken into account when making your report to the planning committee.

Brian Light  
Chairman, Balkerne Tower trust Ltd

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