

Planning Application Nos 131020 and 131023

Jumbo Water Tower

1. The scheme as a whole

As in his previous application, the applicant proposes a mixed addition of offices, flats and a restaurant, all of which Colchester has in plenty. In addition, a 'museum' is proposed inside an almost intact tank.

We make the following **objections** to the overall scheme:

- a. The Central Area Proposal Map, part of the current CBC Local Development Framework, clearly allocates the area inside Balkerne Gate, including the Mercury, the Arts Centre and Jumbo to 'Cultural Facilities'. The Proposal Maps are stated to be 'a key tool in the determination of Planning Applications' (<http://www.colchester.gov.uk/article/4395/LDF-Proposals-Maps>). Offices and flats are not cultural facilities.
- b. Putting flats and offices in this location will transform its tranquil, non-commercial character into a busy, frequently noisy, commercial one similar to other parts of the town centre. At night, the glazed area will generate substantial light spillage.
- c. We do not accept the applicant's assertion that the harm resulting from infilling of the legs would be 'less than substantial'. The open arches between Jumbo's legs are a critically significant feature of the building. Preserving this feature was considered important by Inspector Bingham in the Appeal Decision of 2001, when Jumbo was listed Grade II, not II* as at present.
- d. The pipework, and valves currently below the tank, are prominent original features which should be preserved in their original locations. Cutting these out and displaying them in the tank, out of their original context, is unacceptable. In the south-west corner especially it should not be difficult to keep the pipework in place and the valves could be a feature of the café area, complete with an explanatory plaque.
- e. It is unnecessary to cut windows in the tank to provide views. The place for views to be appreciated is the belvedere, the highest point in the building with 360 degree views of the surroundings. The tank should be kept entirely intact.

- f. It is disappointing that there is apparently no intention to replace the oak door at the entrance to the central stairwell, destroyed by vandals in 2007. This striking original feature could be faithfully reproduced from extant drawings and photographs.

2. The proposed museum in the tank

As our policies for an unaltered Jumbo are similar to this proposal, we take it seriously. However, from the applicant's document 'Planning Statement' by Pomery Planning Consultants, and from our own enquiries it appears that:

- a. The applicant claims to have consulted the Colchester and Ipswich Museums Service (CIMS), but there seems to be no record of such consultation. CIMS has no budget to establish and run an attraction, nor is it expected funds for this purpose would be allocated by the Borough Council in the foreseeable future.
- b. The Colchester Tourist Guides Association (Blue Badge Guides) has not been consulted.
- c. We have not been consulted. **The statement 'that this space [the tank] was offered to the Balkerne Tower Trust' but we 'declined to play an active role' (para 7.5) is completely untrue.** We were not aware of the current proposals (apart from rumour) until they appeared in the local press on May 17th.
- d. There are no minimum opening hours given for the museum, nor days of the week nor times of the year. There is no guarantee that the 'museum' would not be closed after a short period.
- e. In contrast to the above, in the case of the schemes allowed on appeal in 2001 but never implemented, public access to the roof space and belvedere was tightly defined in two Unilateral Deeds. For example the public access was guaranteed; it had defined opening times and was to be administered by a charity or amenity body nominated by CBC.
- f. It is proposed that the applicant runs the museum as a private attraction. Yet most comparable attractions such as pumping stations and the few water towers open to the public, are run by charitable trusts such as ourselves, staffed by volunteers, charging modest entrance fees and raising funds from grants and donations (Source: page 3 of English Heritage Conservation Bulletin 67 at <http://www.english-heritage.org.uk/publications/conservation-bulletin-67/>)

- g. The Planning Statement says (7.8): *It is anticipated that the attraction will, for the most who visit, be about the views, rather than a thirst for knowledge of the town's public health history.* This displays no comprehension or recognition of the huge public interest in the town's heritage – not a sound starting point for establishing an exhibition area in the tank of the largest remaining Victorian water tower in Britain.

The museum as proposed is not a 'substantial public benefit' as defined in PPS 5, para HE9.2 because it amounts to a desultory, back of an envelope proposition with no details and no guarantees.

We contend that the only way to establish and successfully run this attraction is an agreement whereby the space is controlled by a charitable trust such as ourselves. We would staff it with volunteers motivated by enthusiasm and engage the public with projects to improve the attraction over time. We have been assured of advice and support from the CIMS and the CNEEBPT in this event, and we would also work with the Tourist Guides Association in establishing guided tours. A privately run attraction would run at a loss; the applicant clearly has no enthusiasm for it and the financial incentive would be to eventually close it and apply for alternative uses for the tank.

3. The Balkerne Tower Trust

Several contentious statements are made about us in the applicant's Planning Statement.

The applicant, through his agent did indeed offer to sell Jumbo to us in September 2012. (para 8.2). The price asked was £333,300 plus legal fees and a proportion of any increase in value of Jumbo following a change of use. What is not stated is that the applicant's own financial study assessed the commercial value of Jumbo as less than zero. (*Report and Valuation*, Savills, part of the 2009 planning applications, para 16.1). As a registered charity we would have been utterly discredited had we had attempted to raise £333,300 for a building with a negative market value. We asked for a realistic offer of sale but did not receive any.

We are also accused of not having produced a business plan or funding package to secure Jumbo's conservation. We cannot raise funds or produce a definitive business plan for a building we do not currently own and is not on reasonable offer to us. According to the Architectural Heritage Fund, if given a chance charitable trusts have a good record of saving and restoring neglected heritage assets, and this was the subject of the BBC series Restoration.

In addition, in early 2011 on the recommendation of the Architectural Heritage Fund, we carried out a consultation exercise with six funding charities. Although nothing could be guaranteed by hypothetical applications, the feedback was positive and encouraging.

4. Conclusion

We urge refusal of the applications as presented for the reasons given above. **However if the Planning Committee is minded to approve**, we would make a special plea that control of the tank space and above (levels 9, 10 & 11) be allocated by condition to an amenity body such as ourselves, the details to be negotiated and embodied in a legal agreement. The precedent for this is embodied in the Unilateral Deeds accompanying the planning applications approved on appeal in December 2001.

Brian Light
Chairman
Balkerne Tower Trust
<http://www.savejumbo.org.uk/>

June 26, 2013