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### **Item No: 7.3**

**Application:** 221174

**Applicant:** Colchester Borough Council

**Agent:** Mr Philip Wise

**Proposal:** Erection of an interpretation panel containing historical information and graphics at the Roman Circus archaeological site, Flagstaff Road.

**Location:** Roman Circus Archaeological Site, Flagstaff Road, Colchester

**Ward:** New Town and Christ Church

**Officer:** Hayleigh Parker Haines

**Recommendation:** Approve

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee due to the applicant being Colchester Borough Council.

## **2.0 Synopsis**

- 2.1 This application seeks advertisement consent for an interpretation panel in lectern format. The key issues for consideration are amenity and public safety.
- 2.2 The application is subsequently recommended for Approval, subject to conditions.

## **3.0 Site Description and Context**

- 3.1 The application site is situated on Flagstaff Road close to the cross roads with Circular Road North, Napier Road and Circular Road East. This falls within the Garrison Conservation Area and the Circus Scheduled Monument.

## **4.0 Description of the Proposal**

- 4.1 Advertisement consent is sought for the installation of an interpretation panel containing historical information and graphics in relation to The Roman Circus, as shown below. This would sit 0.9 metres above ground level, with the panel itself having a width of 0.8 metres and a depth of 0.59 metres. This is to be of the same design and specification as used elsewhere within the Borough (Balkerne Gate – 130350)

## The Roman Circus



Alexander Wagner's 'The Chariot Race', painted in 1896. Although this is a reconstruction of the Circus Maximus in Rome, it captures the spectacle and the drama of races at Colchester's Roman Circus (private collection).

The Roman Circus, a chariot racing track, was discovered in 2004 by the Colchester Archaeological Trust. It is the only example of a circus to have been identified in Britain.

The circus at Colchester was built using a standard design found throughout the Roman Empire. One end of the track was completely filled by a row of starting gates and at the other was a sharp 180-degree turn. The two long straight sections were separated by a barrier called a 'spina', which supported a series of decorative columns and other features, including lap counters. The track was flanked by tiers of seating along the two long sides and the curved end.

The Colchester circus was around 475m long and 75m wide. It is estimated that it could have seated up to

8,000 people. It was constructed around AD 120 and had already gone out of use by the end of the Roman period.

Chariot racing was the oldest and most popular sport in the Roman world. On race days the circus at Colchester would have thronged with people – many of them may have travelled a long distance to be there. People would have placed bets on the outcome of the races. Popular charioteers would have been cheered on and admired for their skills. The risk of serious injury or even death among the competitors only added to the excitement.

Today, the Roman Circus Centre provides information about the site and visitors can see reconstructions of the starting gates and the seating.

## Colchester Roman Heritage



The outline of the now vanished Roman Circus overlaid on the modern street plan



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01206 282539  
www.cdmuseums.org.uk



## 5.0 Land Use Allocation

### 5.1 Public open space

## 6.0 Relevant Planning History

### 6.1 There is not particularly recent or relevant planning history in relation to this application

## 7.0 Principal Policies

### 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

## 7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP7 Place Shaping Principles

## 7.3 Local Plan 2017-2033 Section 2

On 4<sup>th</sup> July 2022 Full Council resolved to adopt the modified Section 2 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The following policies are considered to be relevant in this case:

- ENV1 Environment
- DM5 Tourism, Leisure, Culture and Heritage
- DM15 Design and Amenity
- DM16 Historic Environment

7.4 The application site does not fall within a Neighbourhood Plan Area.

7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- The Essex Design Guide
- External Materials in New Developments

## 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 The Historic Buildings and Areas Officer has raised no objection to the proposal.

8.3 The Archaeological Officer has raised no objection to the proposal, subject to the inclusion of a pre-commencement condition to ensure a scheme of archaeological investigation is provided.

8.4 Historic England considers that the proposed works would have a negligible impact on the significance of the monument and therefore has no objection subject to a condition being included regarding a scheme of archaeological work being secured.

8.5 Environmental Protection have no comment.

## **9.0 Parish Council Response**

9.1 The site falls within the New Town and Christ Church Ward which is Non-Parished

## **10.0 Representations from Notified Parties**

10.1 One public letter of representation has been received supporting the application, and is summarised below:

- Fully endorse this initiative to promote the presentation and interpretation of the Roman Circus site for public benefit and for the benefit of the heritage economy of the town. *Comments noted*

## **11.0 Accessibility**

11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of potential direct or indirect discrimination.

## **12.0 Planning Obligations**

12.1 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.

## **13.0 Report**

13.1 Regulation 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

13.2 The National Planning Policy Framework (NPPF) confirms (at paragraph 132): The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient, and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

### **Public Safety**

The National Planning Practice Guide (NPPG) states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing

or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.

Paragraph: 067 Reference ID: 18b-067-20140306

Revision date: 06 03 2014

Development Plan policy DM21 requires all development to maintain the right and safe passage of all highways users.

In this case, the site is located on the footpath, whereby pedestrian access is common. The proposed signage relates to the wider site in which it is located and is not significantly different to the other interpretation panels throughout the Borough. It is not considered that the proposed panel would be mistaken for traffic signs so as to pose a hazard. The signs would attract passers-by to a certain extent (as they are designed to do), but are not considered to distract passers-by unnecessarily or to a hazardous extent.

The Highway Authority have been consulted as part of the application and have confirmed that they have no objections to the proposal.

## **Amenity**

The NPPG confirms that “Amenity” is not defined exhaustively in the [Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#). It includes aural and visual amenity ([regulation 2\(1\)](#)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest ([regulation 3\(2\)\(a\)](#)).

It is, however, a matter of interpretation by the Local Planning Authority (and the Secretary of State) as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural, or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

If the advertisement makes a noise, aural amenity would also be taken into account before express consent would be given.

*Paragraph: 079 Reference ID: 18b-079-20140306*

*Revision date: 06 03 2014*

In considering the design and character, Local Plan policies ENV1 and DM15 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.

The proposed signage is of a muted palette which would not be overly dominant within the surrounding area. Furthermore, due to its limited height and scale, this is not considered to result in an overly dominant or incongruous addition that would significantly alter the character of the site and therefore, it is considered that the site would visually remain similar and as such it is not considered that this would have a detrimental impact on the character and appearance of the site or surrounding area.

It should be noted that the interpretation panel is to be located within an area of high Archaeological importance (The Roman Circus). In the interests of public amenity, to ensure that this remains a significant historic feature of the Borough it is considered reasonable to include a condition securing a programme of archaeological work to ensure that there is limited impact on archaeological layers/features. Monument consent with conditions has been granted by the SoS for the installation.

## **17.0 Conclusion**

Taking into account, the above assessment, it is considered, subject to conditions, the proposed interpretation panel would be acceptable in terms of public safety and amenity.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

**Approval** of planning permission, subject to the following conditions:

### **1. Standard Advertisement Condition**

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to

the reasonable satisfaction of the Local Planning Authority.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2.

### **Programme of Archaeological Work**

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post



investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DM16 and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

## **Informatives**

PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.