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**Item No:** 7.7

**Application:** 171964

**Applicant:** Mr Steve Mannix (The Mercury Theatre)

**Agent:** Mr David Shipley (Colchester Borough Homes)

**Proposal:** Demolition of Mercury House and Food @ the Mercury Restaurant; felling of selected trees; construction of 2-3 storey production block; construction of two-storey extension on northeast corner; infill of porte-cochere to provide internal ground floor accommodation; archaeological investigation; landscaping works; and installation of temporary site cabins and storage areas for duration of construction process.

**Location:** Colchester Mercury Theatre Ltd, Mercury Theatre, Balmerne Passage, Colchester, CO1 1PT

**Ward:** Castle

**Officer:** Andrew Tyrrell

**Recommendation:** Approval (Subject to Conditions)

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

- 1.1 This major application is referred to the Planning Committee for complete transparency and probity; because the Mercury Theatre site is land owned by Colchester Borough Council, and Colchester Borough Council are heavily involved, as the project lead, in the “Mercury Rising” Project to extend the Mercury Theatre.

## **2.0 Synopsis**

- 2.1 The key issues set out in the report are the principle of the development, the design of the extensions and the layout of the adjacent amenity areas, impact on the adjacent Scheduled Ancient Monument (SAM) of the Roman wall and Balcerne Gate, impacts on the nearby listed buildings, impacts on archaeology and impacts on trees; some of which are covered by a Tree Preservation Order (TPO), highway and parking considerations (including proposals to pedestrianise part of the adjacent highway) and other material planning consideration.
- 2.2 The application is subsequently recommended for approval, subject to conditions. The benefits of this scheme, especially in relation to social and economic considerations (which present significant gains for the arts, tourism, and the community of Colchester as a whole), as well as environmental considerations that have arisen from the proposals.

## **3.0 Site Description and Context**

- 3.1 Opened in 1972, the Mercury Theatre is of an individual design and appearance. It could be said to be a striking architectural piece, although the main area of visual interest is the northern main entrance area. Areas to the south and west that have no public prominence are less detailed, and of a simpler design and composition. The eastern elevation is largely dominated by a 1995 extension to the workshop, which is of its time, fairly bland, and largely screened by a sylvan tree-lined boundary to the public highway.
- 3.2 The theatre is located between the Arts Centre, Roman wall, Balcerne Gate and ‘Jumbo’ water tower all of which are, themselves, significant visual and heritage assets of the town centre. Architecturally, this is one of the most dramatic areas of the Town Centre Conservation Area. The Mercury Theatre is also on the list of Local Heritage Assets and is described as:

*“Theatre, by Norman Downie Associates, 1970-2. Brick on steel frame with reinforced concrete columns and beams, with hexagonal, slate-hung, tiered fly tower. Irregular plan that grows from the hexagonal stage, that projects into the auditorium (a larger hexagon, stretched) allowing it to function both as traditional proscenium and ‘semi-thrust’. Glazed foyer wraps round the auditorium, with a first-floor bar in the corner over the entrance, which is marked by the bronze figure of Mercury (after Giambologna) on the roof. Offices, workshops, restaurant etc. added round the edge. Windows high up under the projecting eaves, more hexagons. Yellow brick and glass extension (workshops and paint rooms) by Stanley Bragg Partnership, 1997-8. An*

*original design by a local firm of architects, who were later commissioned to design a similar theatre in Salisbury, Wiltshire.”*

## **4.0 Description of the Proposal**

- 4.1 The proposal has a number of elements. Members are encouraged to peruse the plans prior to the meeting and familiarise themselves with the proposals in full, but the main elements include:
- Demolishing both the single-storey flat roof restaurant to the north-east corner, and “Mercury House” which is a detached property to the south of the main theatre building that was converted some time ago and currently homes the wardrobe department.
  - Infilling the porte-cochere (the area under the existing first floor bar), to extend the lobby under here at ground floor and create a new restaurant space in the north-west corner
  - Creating a new box office, entrance lobby, creative learning centre, and new lift to the north east corner
  - New rehearsal spaces for the theatre, drama companies, opera groups and other community spaces to the south
  - Better, purpose built office and wardrobe spaces, improved changing area, green room, and “back of house” facilities
  - Improving delivery and access arrangement for stage sets
  - Enhancing the public realm to the north, in front of the main entrance, and improving pedestrian routes (and removing vehicles).
- 4.2 The supporting documents with the applications state that this application follows a substantial Arts Council England funding bid. *“To enable the Theatre to meet audience expectations, provide access for all and ensure financial sustainability, significant development is required. The development includes extra front of house facilities, providing “ancillary income” to be generated from better bars, catering, merchandise opportunities etc. that will ensure the Theatre’s long-term viability. This is coupled with new rehearsal spaces (saving on current rental of premises off site), and technical improvements backstage to support the high-quality programme to match the improved facilities out front.”*
- 4.3 Members will see online, or during the presentation at the meeting, that the plans include a significant extension to the south, as well as changes to the north, and then some elevational treatments and alterations to help unite the different sections of the building that have evolved over 45 years of different architectural fashions. The design has been developed in collaboration with the Planning Manager, our Urban Designer, Heritage Officer, Arboricultural Officer, Historic England and ECC Highways.

## **5.0 Land Use**

- 5.1 The site is within the town centre, and conservation area. It is adjacent to a Scheduled Ancient monument, several listed buildings, and has a TPO on the site. It is in *Sui Generis* use, as a theatre, which means that there is no available changes of use without planning permission.

## **6.0 Relevant Planning History**

- 6.1 The theatre was constructed from 1970 through to opening in 1972. Mercury House was acquired in 1983, and the former church rectory was changed from residential use to home the wardrobe department. Since then there have been a number of alterations and improvements, including a notable workshop extension in the 1990s (finished in 1995) that followed a fire to the original workshop. The most recent application considered by the Committee was in 2012, when there were updates to the northern Crittal windows.

## **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 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
SD2 - Delivering Facilities and Infrastructure  
SD3 - Community Facilities  
CE2a - Town Centre  
UR2 - Built Design and Character  
PR2 - People-friendly Streets  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
TA4 - Roads and Traffic  
TA5 - Parking  
ENV1 – Environment

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP4 Community Facilities  
DP6 Colchester Town Centre Uses  
DP10 Tourism, Leisure and Culture  
DP14 Historic Environment Assets  
DP17 Accessibility and Access  
DP19 Parking Standards

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

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Community Facilities
- Cycling Delivery Strategy
- Managing Archaeology in Development.
- Planning Out Crime
- Town Centre Public Realm Strategy

## **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 advise that the development meets the aims and objectives of the NPPF in respect of the historic environment and we therefore have no objection to planning permission be granted on heritage grounds. Their full commentary is included in the report below, under the “archaeology” and “heritage impact” sections.
- 8.3 Our own Archaeology Officer has also confirmed no objection, stating that the proposed development is located within an area of high archaeological interest. Archaeology is a key consideration and therefore the archaeologist’s comments have been used in the main report below.
- 8.4 The Heritage Officer and Urban Designer have provided a combined consultation response. Their comments are quite lengthy and detailed, so have been used within the design and heritage section of the main report below. Fundamentally, they raise no objections and are in support of the development, subject to detailed matters being agreed, such as materials, recesses, etc.
- 8.5 Essex County Council have provided useful assistance, with their Highways Officers visiting the site at several stages to discuss solutions to problems and ensure that the best arrangements for parking and access could be achieved. Following formal consultation, they commented that from a highway and

transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions (which are covered in the recommended conditions, albeit with slightly different wording suggested).

- 8.6 The Arboricultural Officer has visited the site and checked the health and position of the trees. Their consultation comments are that the tree report is acceptable except for the inclusion of T10 and T11 which do not need to be removed. These trees do not hinder the development, nor would they be undermined by the nearby changes to surfacing, therefore they can be retained throughout and after the construction and their loss is unjustified given the public amenity benefits that they offer as part of a group. They have asked for conditions to ensure that the tree protection is covered as included in the recommendation at the end of this item.
- 8.7 The Landscape Officer commented, regarding the landscape content/aspect of the strategic proposals lodged on 24/07/17, there would appear to be some confusion within the proposal as to the number of trees proposed for removal, e.g. proposal drawing COR300202.PL11 would appear to propose the retention of these trees yet the tree survey proposes their removal (these are the same T10 and T11 trees identified by the Arboricultural Officer above to be retained). In landscape terms this group of trees should be retained as they form an important landscape feature within the street scene. However, as discussed there would be no objection to the removal of T9 which would appear to be in conflict with the adjacent built form, this provided the Tree Officer is satisfied the remaining trees within the group, currently suppressed by this tree, will satisfactorily grow into the space left by the trees removal. This as this will arguably be of benefit to the group by improving the long term coexistence between the group and built form in the long-term. The remainder of the proposal would appear satisfactory. In conclusion, there are no objections to this application on landscape grounds subject to the above.
- 8.8 Environmental Protection have raised no objection and recommended an informative on *Advisory Notes for the Control of Pollution during Construction & Demolition Works* and the model condition requiring a Construction Method Statement be submitted and approved to provide details for parking, loading and unloading area, hours of work and deliveries, hoarding, wheel washing facilities etc.
- 8.9 The Theatres Trust have commented on the proposal. Their support states that: *“The Theatres Trust actively encourages theatres owners to invest in their venues to ensure they meet modern building standards, and the needs and expectations of audiences, staff, and performers in order to remain viable and sustainable into the future. The Trust therefore welcomes and supports this application for the refurbishment and extension of the Mercury Theatre which will upgrade and renew the front and back of house facilities to improve the customer experience, encourage wider community use, and provide additional facilities to support productions and generate additional income. In terms of the proposed front of house layout, reorganisation of the entry, café, box office and the infill of the port-cochere creates significantly more useable ground floor space within the existing building footprint, and opens up these spaces to improve the appearance, accessibility and audience circulation on this*

*level. It also allows for the relocation of the main entry point so that it is more clearly visible and facing the main pedestrian and vehicle access routes from the town centre to the east. The additional lift WCs on both levels and the learning suite are also supported and enhance the facilities offered by the theatre.*

*Likewise, the back of house alterations and the construction of a new production block provide much needed additional storage, dressing room and rehearsal space, and have been designed to allow the new spaces to be used separately from the main house and public areas. We also welcome the opening up the stage dock and creation of a new get in door, which will provide a direct, clear and wide route for the delivery and movement of sets and props. We do, however, recommend the installation of an additional acoustic door and sound lock between the stage and the workshop and/ or between the get in area and the new production block next to dressing room 4 to minimise noise and light transfer during performances.*

*We also appreciate the consideration given to the materials and appearance of this new extension to minimise its impact on the surrounding area, and the proposed archaeology investigations to be carried out to determine the appropriate design for the buildings foundations and substructure.*

*Overall the Theatres Trust agrees with the clear rationale for this project and agree the proposed works will improve the theatre's facilities and the way it operates and functions to meet these aims. We therefore recommend granting planning permission, attaching conditions as appropriate.*

*The Trust's advice reflects guidance in paragraph 70 of the NPPF to promote and safeguard cultural facilities, which states that in 'promoting healthy communities', planning decisions should 'plan positively for cultural buildings' and 'guard against the loss of cultural facilities and services'."*

## **9.0 Parish Council Response**

9.1 Not applicable.

## **10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. A press advert was placed, as well as 2 site notices that have been displayed on lampposts adjacent to the site. The full text of all of the representations received is available to view on the Council's website. However, public response was supportive, with a summary of the few material considerations given below.

10.2 There have been no objections received. There have been 5 letters of support, as well as a “non-committal” that states no objection but then also raises some questions (see below). The supporting comments can be viewed in full online, but they have been summarised below:

- Good project and proposal, the refurbishment work is much needed and the development has been sympathetically designed to prevent it from being overpowering.
- The use of timber cladding utilises the natural camouflage trees already provide.
- Making a feature of the apex of the building by filling in the ground floor with glazing and creating a café space is a positive step.
- Creating of spaces which can be utilised by community groups is very much welcomed.
- Appreciate the thought that has gone into creating better facilities for people with mobility issues by adding lifts and a disabled toilet upstairs near to the auditorium.
- Can see that consideration of creating a space that can provide greater inclusivity for all members of the community has been a fundamental part of thinking here.

10.3 One adjacent resident, to the north, states that they do not object to the planning application, but are concerned about the management of the site throughout the demolition and construction as most residents here are elderly, with mobility issues; emergency services and support staff also need easy access through this already congested area. There are conditions to address the management of the construction phase, so that a scheme can be agreed. There are also controls through environmental protection legislation, which are set out in the included informative and guidance note that would accompany the decision (you can read these at the start of the committee agenda booklet).

10.4 They also state “Felling of trees?” This is covered in the consultation responses and elsewhere. The question provides little guidance as to the expected answer or point being made. Similarly they ask for the definition of “3-storey”, which can be best seen from the plans that illustrate exactly what this means. This relates to the southern end, furthest from their property

10.5 Within the supporting comments, there were also some other comments that were not especially relevant to the planning considerations, but that may be of note to the theatre moving forwards. One suggestion was re-organizing the toilet space to create some “Gender Neutral Toilets”. The benefits suggested include making more cubicles available to people who use them, providing greater inclusivity for single male carers (fathers/grandfathers etc) with young girls they would prefer not to walk past toileting men, and providing inclusivity for Transgender or Non-binary persons. This change, being internal, would not need planning permission.



## **11.0 Parking Provision**

- 11.1 The proposal removes some staff car parking from the site, which is said to be 5 spaces although this is hard to calculate due to the ad-hoc manner in which people park at the site. This accommodates better delivery access, which can involve large articulated lorries; as well as allowing for some relocated disabled parking. The current disabled parking area is again ad-hoc, and takes place to the northern end underneath the bar (should you say where it's going now).

## **12.0 Open Space Provisions**

- 12.1 The proposals include better access to the public to the Roman wall which is a Scheduled Ancient Monument, and a sitting out area where the Balcerne Gate can be enjoyed. The proposal also seeks to remove an area of highway right from part of the road network to the north, allowing this to become a shared surface area that is pedestrianised, except for delivery access arrangements relating to the Hole in the Wall public house, which is the only property (other than the theatre) currently served by this area of carriageway. This change to the public realm is seen as an important wider public benefit provided by the scheme and will further improve the pedestrian linkage between the recently upgraded bridge from St Mary's Car Park and the town centre.

## **13.0 Air Quality**

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Planning Obligations**

- 14.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that owing to the nature of the proposals no Planning Obligations should be sought as none met the legal tests.

## **15.0 Report**

- 15.1 The main issues in this case are:
- Design and Layout
  - Archaeology and Heritage Impact
  - Impact on the Surrounding Area (including Neighbours)
  - Trees and Landscape
  - Highway Safety and Parking Provisions
  - Other Matters

## Design and Layout

- 15.2 Your case officer has been involved in discussions about this scheme throughout a pre-application phase, and during the application itself. There are no concerns about the general design, scale, massing and height. There have also been broader discussions about some detailed matters, including materials, window frames, surrounds, decorative features, etc; although this level of details has not yet been reached and would need conditions. These discussions have also included the heritage officer and the urban designer, who comments from the bulk of the following narrative on design matters.
- 15.3 The minor detailing will have a significant impact on the success of the scheme. The site context is sensitive and challenging, within the town centre conservation area, overlooking the town wall and Balmerne Gate Scheduled Ancient Monuments and a number of listed buildings including Jumbo and Colchester Arts Centre. The site itself is locally listed and has a number of protected trees. The principal theatre use is inward-looking, though associated accommodation offers opportunities for active frontage (windows and doors) to help attractively frame, engage with and self-police the adjoining public realm which surrounds on all sides. The existing building is of mixed architectural quality with the northern end from the original 1970s build the most successful, characterised by concrete structural elements, distinctively angled form and extensive Crittall glazing. Incremental extensions and backland elevations are less successful.
- 15.4 New development on the scale proposed provides the opportunity to unite the arts complex, and help improve the character and quality of the area and the way it functions. The applicant has worked hard to address previous concerns informed by dialogue, although there are still some outstanding issues and areas where greater clarity is required. The project is reliant on funding from various sources including the Theatre itself, the Arts Council, Colchester Borough Council, Essex County Council, a Heritage Lottery Fund bid and public donations, so both construction costs and material costs need to be carefully calibrated to get a suitable outcome. Given the simplicity of the design, the materials are equally important.
- 15.5 The extensive use of timber for cladding of the production block, helps reflect the immediate woodland area that surrounds the building and also provides an appropriate material that benefits from sustainable characteristics. The timber must be a type not subject to uneven weathering, streaking or rot. Timbers that do not require preservative treatment include: Western red cedar, European larch, European oak and Douglas fir. These woods are naturally resistant to insects, moisture and rot. One of these timbers should be used so that the sustainability benefits of timber can be enjoyed. This will require conditions to agree the materials. The detailing is also important and should be tidy, clean and “elegant” in the corner/ridge/joins/edges with equal width timbers (ideally slim) but not in a “tongue and groove”. This will also require conditioning of minor architectural detailing although the principle, design and use of timber is considered to be acceptable.
- 15.6 Similarly, the windows are generally acceptable in the locations and sizes shown. However, within this level of detail there remains lots of options. The

heritage officer and urban designer recommend that the windows are flush and frameless with very slim profiles to the north, north west and north east. They also suggest that the applicant should explore concrete frame surrounds to west elevation, which can be conditioned. The glazed entrance doors to ground floor should have the hinges on the inside of the building so that there is a flush and elegant finish to the exterior. Elegant door and window furniture and slim profiles will achieve a good finish.

- 15.7 Of note, the brick as proposed on the plans, with the correct mortar mix and pointing profile are of a high quality and very welcome. If anything, the beauty of the proposed brick may be visually compromised as it adjoins a utilitarian brick on the existing building, where the desired “chic and sophisticated” finish may be compromised to the east elevation if the detailing were not controlled by planning conditions.
- 15.8 It would be beneficial to add some form of visual break to the southern end of the extension. Although this elevation appears quite stark on plan, it is screened by the protected tree belt that runs east-to west along the southern boundary of the site. However, some contemporary fenestration, concrete banding, articulation or other patterning could add visual interest and could be continued as a feature to the fenestration uniting the new parts (southern end) of the building with the 70s (northern end) to “book end” the building. This again requires planning conditions.
- 15.9 Glass is used widely for the infill section to the porte-cochere to the north west, and the box office extension to the north and east elevation. The use of glass in these areas helps to provide a sense of openness internally and externally provides a level of engagement with the community by creating a sense of ‘animation’ and connectedness between inside and out. The reforming of the northeast corner and infill of the current porte-cochere position at the northern end, help enhance the overall appearance of the existing building with the majority of glass-based interventions providing an uplift to the rather tired appearance overall.
- 15.10 Overall, the apparent scale of the production block has been reduced through the mixed material palette employed, while the extension remains largely hidden from view and generally obscured by the existing treeline. Whilst assisting in the reduction in scale, the differing materials also serve to complement the existing building and architectural forms. The use of glass to the northern end helps to reflect the surrounding parts and thereby provides a ‘lighter touch’ whilst also providing permeability of the building and with it, engagement with passers-by. The removal of the awkwardly positioned restaurant has led to a more rationalised architectural treatment of this prominent corner of the building, recognising the importance of the approach to the internal layout of the revised box office area, but mostly with regard to the relationship with the town with which it faces. Similar to the approach by car park users to the north, the northeast-facing box office is the official welcome to the Mercury Theatre that visitors arriving from the town centre will see and be welcomed by.
- 15.11 There is a “face lift” the main public elevation to the east where the workshop is, with the replacement of the obscure block glass brickwork with plain

glazing. This will help achieve a more active frontage where passers-by will get a glimpse into the inner workings of the theatre. The addition of timber cladding to recesses is welcomed and will complement timber cladding on the neighbouring façade. That further unifies the building as one.

#### Archaeology and Heritage Impact

- 15.12 Historic England stated that the Mercury Theatre is situated in close proximity to the Roman town wall and the Balcerne Gate which are scheduled monuments, The grade II\* Municipal Water Tower (Jumbo) and a number of grade II listed buildings. The proposed development would result in disturbance to important non-designated archaeological remains which can be mitigated through the implementation of a programme of archaeological investigation, secured by a planning condition.
- 15.13 Our own archaeological advisor, has also highlighted that the proposed development is located within an area of high archaeological interest recorded in the Colchester Historic Environment Record, within the historic settlement core. There is high potential for encountering well-preserved stratified Roman occupation deposits relating to the early Roman legionary fortress and later town. Due to the findings of previous investigations (1965, 1967 and 1996/7), it is known that the theatre is located on the site of one or more Roman town-houses with robbed-out walls, tessellated and mosaic floors. Mortar floors, robbed-out walls, a tessellated pavement and mosaic floor were among the Roman remains identified in the 1990s too. There is said to be an intact plinth of a first century fortress building. Overall, these later investigations revealed one or more Roman town houses with tessellated and mosaic floors surviving *in situ*. The first century military plinths forming part of the earlier fortress also appears to have survived.
- 15.14 The latest investigation was carried out in December 2016 and was comprised of assessing the findings of two borehole locations, one on the west side and the other on the east side of the proposed development area. Evidence of Roman layers were identified in both locations, both seemingly consistent with the earlier investigative work carried out. Consequently, a substantial excavation will need to be carried out ahead of any groundwork commencing. There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *NPPF* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

- 15.15 Every opportunity should be undertaken to minimise the extent of the groundworks, and thereby reduce the impact on and harm to the underlying archaeological remains. A brief for the archaeological investigation will be needed. In this case, archaeological excavation will be required in advance of the new development. In addition, there will be a requirement for the presentation and promotion of archaeological discoveries on the site, and to provide for a lasting legacy about the history of the site.
- 15.16 In terms of wider heritage impacts, the NPPF states at paragraph 128 that *“applicants (should) describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*. The Theatre itself is not particularly in keeping with the surrounding buildings owing to its age, unique function, and resultant design. As stated above, the original workshop was destroyed by fire, with the current workshop not opening until 1995, and this forms a large part of the east elevation. The building is also disjointed due to its evolution and incorporation of differing “architectural fashions”.
- 15.17 Despite being located at Balcerne Passage, to the north of St. Mary-at-the-Walls Church (The Arts Centre), immediately adjacent to the Roman Wall (west) and Balcerne Gate (northwest), Hole in the Wall public house and Jumbo, these buildings have no visual links and are all much older, greater heritage value, recognised through their designations. The theatre is designed to stand alone as a feature in this historic setting. As such, the development can be achieved without harm to the heritage context, and with some enhancement of it available. That said, the Mercury Theatre is situated within a conservation area and is locally listed. The local list of buildings and structures was adopted by Colchester Borough Council in 2011. Although the entries contained therein are not deemed to be of national significance, they are seen as historically or architecturally important locally.
- 15.18 The angular north-western tip of the existing building is arguably the most prominent and defining feature of the Mercury Theatre. Given its ‘gateway’ position to visitors from St. Mary’s multi-storey car park across Balcerne Hill, this approach creates a significant view of the building and is a unique example of contemporary architecture in this Conservation Area. As a result of this, the functional and simple infill treatment of the ground storey helps retain the most significant feature of this building and with it, enhances its position within this historic setting. The use of glazing and resultant ‘inside-out’ qualities will provide attractive views from within, and through the building to the town wall and associated landscaping. However, conditions will secure exactly how slim-line the frame would be, how see-through the glass would be, how exactly this would be differentiated/matched to glazing above, to maintain the podium effect.
- 15.19 Appreciation of the Roman wall is enhanced by greater public access, potential for seating areas, and the views of this scheduled monument. The facing west office area fenestration appears formally ordered in keeping with

the neighbouring existing building, although through the conditioned detailing there is scope to enhance the windows further, securing the correct surrounds and depth of reveals. The use of Roman brick in the proposal, in the extension to the southern end, is a direct visual connection between old and new, whilst the use of timber provides a similarly direct connection with the surrounding woodland found to the south and stretching around to the east.

15.20 Indeed, the mass of the new production block is largely obscured by the trees. It also replaces a building that adds little value to the conservation area, where the demolition of Mercury House is of no great concern. This former house is architecturally unremarkable as a mid-1960s two-storey former vicarage and is not considered to have sufficient significance nor provides any future value. Its demolition will not detract from the special status of the conservation area.

15.21 The box office and north end infill proposals improving the quality of the public space and with it, enhance the conservation area. It continues a richness and diversity to this conservation area in a prominent location adjacent to The Municipal Water Tower a.k.a. 'Jumbo'. This is an important building whose setting will be maintained by the proposed development of the Mercury Theatre. This is also important because the relationship between St. Mary's multi-storey car park and the town centre, establishes a strong pedestrian link between the two, passing Jumbo and across the north and east of the Mercury Theatre. With this in mind, it is considered that the proposals bring some benefits to the heritage assets adjacent to the site. The creation of better public realm, particularly near the wall, and improving vistas on approach towards Jumbo, are all improvements.

#### Impact on the Surrounding Area (including Neighbours)

1522 As stated above, the impact on the area should be uplifting. That has beneficial consequences to surrounding heritage assets, businesses and more generally to all visitors to the area. It is good for the town. Although not much space is given to this herein, that should not hide the importance of this consideration. However, this section of the report focusses on the immediate neighbouring properties, chiefly (but not exclusively) to the north.

15.23 In the pre-application consultation undertaken by the applicants, residents are said to have welcomed the scheme, and in particular the removal of traffic from the adjacent road between the theatre and the residential uses. The windows of the neighbouring flats are close to the highway, being set just a metre or less from the boundary to the pavement, and cars do park here despite the double yellow lines (and because disabled visitors are able to do so for up to 2 hours). The cessation of vehicle movement here will remove traffic from cars, although the creation of a pedestrian area, will change the footfall, while the addition of any seating areas and tables and chairs linked to the theatre restaurant may bring some background noise. None of this raises concerns that would warrant the refusal of the application, in your officer's opinion. It is also noted that no objections have

been raised to the proposals following consultation, site notices and press adverts.

- 15.24 In terms of the Hole in the Wall public house, they have a right of access along the carriageway to be removed. However, this is used sporadically for deliveries only (there being no parking) and that provision can still be accommodated on the shared surface public realm being created to enhance the area. Highway Rights will be extinguished for parts of this area, through a s.247 highways agreement sought outside the scope of this planning application, but retaining a reversing area that (When deliveries arrive) can be used to service the pub. They were consulted on the proposals, and have not objected. The proposals herein then provide for landscaping, which will be further conditioned, to raise the level of the road surface to match the adjacent pavement from the junction opposite Jumbo, and then stretching westwards to the Balkerne gate. The area will be treated in one paved surface, primarily as a pedestrianised area, with only infrequent and short use by the public house's delivery vehicles.
- 15.25 The hedging and trees near to the adjacent flats will be retained. It may be possible to seek some additional planting, but this is very much dependent on the archaeological dig, details, and support from Historic England; so will not be known until a later date, and is conditioned to allow this.

#### Landscape and Trees

- 15.26 Following directly on from the above, the landscape drawings, though basic in level of specifications, are acceptable in principle. As shown in the application drawings, shared surfaces should again enhance this landmark building. There would ideally be no tarmac and the path around the building would create a continuous level access indistinguishable from the main pedestrian thoroughfares to visually encourage footfall. Indeed, the submission states:
- "The overriding intention of the immediate landscape, was to make the site more accessible and improve the level of community engagement. The improved accessibility around the building provides a more welcome outdoor space that will open the site up to public use. External seating areas around the newly formed café and bar area helps blur the line between theatre-goers and passers-by and will encourage visitors to call in for a drink or snack in the vein that many urban businesses look to operate. This informal approach to indirectly enjoying the theatre experience is part of the revised business model but also one that looks to integrate further, the Mercury Theatre within the thriving town centre."*

- 15.27 To the west, a simple treatment of the landscape will incorporate new architectural lighting of the Roman Wall. Currently, the Roman Wall and Balcerne Gate provide an interesting backdrop that is underutilised in this location. On the route people take between the car park and town centre, by improving access and highlighting its appearance, this significant historic asset will be more accessible/visible.
- 15.28 Surrounding the southern and eastern boundaries of the Mercury Theatre, are a number of well-established trees that largely obscure the south end of the building and the former vicarage, Mercury House. Several trees to the south of the theatre, facing Church Street, have Tree Preservation Orders placed upon them as they provide an attractive boundary to the view along Church Street leading to the Arts Centre. The proposal indicate the removal of 2 trees to the southern end to allow space for access around the outside of the extension; neither of these trees are currently publicly visible and both have less amenity value than the numerous trees around them that remain. To the east, 3 trees are shown to be removed, however 2 of these do not need to be removed and the suggestion is overly cautious that they may be undermined by the development. Our Arboricultural expert is confident that they can be retained, and therefore T10 and T11 trees should be retained (conditions cater for this). That means that only the end tree of this group, T9, would be removed.

#### Highway Safety and Parking Provisions (including Cycling)

- 15.29 The most significant step in improving the public realm, as part of the landscape considerations above, is the introduction of shared surfaces around the Mercury Theatre. The removal of the roadway, which detracts from the quality of the outdoor space (and visually conflicts with the quality of the Town Wall), will improve the public realm by producing a pedestrianised area welcoming. This is a fundamental change, removing vehicles from this area, and changing the road network.
- 15.30 As deliveries to the pub, and refuse collection, are still needed, there remains some vehicles movement infrequently across this area. This is likely to be at non-peak hours. A turning arrangement is still necessary, although a “Y” shaped turning area can be achieved using the remaining carriageway at the bend around Jumbo, then reversing back up to the public house. This arrangement, suggested by ECC Highways, means that the positioning of tables and chairs around the northern end of the building can be achieved without obstructing safe passage of vehicles and pedestrians.



- 15.31 ECC Highways have also been proactive in offering a solution to the disabled parking mitigation. Currently, an ad-hoc parking takes place in the portecochere, with cars parked randomly nose-to-tail. This will not be possible once this area is filled in with the new café/lobby, and once the roadway has been removed. However, there is already a small private road into the site on the east, where staff currently park. This will be remodelled, with just the removal of one tree (T9) to allow a parking area for up to 5 disabled parking spaces.

#### Other Matters

- 15.32 There are no other matters that raise concerns that merit refusal. This includes all other material planning considerations. The scheme brings a number of other benefits which are material considerations, including increased community activities, economic generation, and employment opportunities. It raises the role of the theatre and enhances the vitality of the town centre. This is significant and should be weighted accordingly.
- 15.33 Cycle parking exists on site for staff. The provision of cycle parking will need to be enhanced as part of the scheme, but the details of this are covered by the landscape conditions to ensure that they are located suitably within that scheme in due course. Similarly, the landscape scheme will need to show areas for storage and collection of waste, but these can be achieved appropriately.
- 15.34 Contamination is a possibility, due to the filled-in reservoir in the north-west corner. The materials used to fill this in are unrecorded, but as the contaminated land officer suggests, this is unlikely to pose issues that cannot be overcome by the conditions she has suggested (if the materials are “problematic” in the first place, which is only a possibility).

### **16.0 Conclusion**

- 16.1 To summarise, the proposal is held to wholly comply with the Development Plan and with national policy as set out in the NPPF and PPG. It will help secure the future of one of the foremost cultural assets in the wider region and therefore the scheme is a significant boost to the town. The building has been designed to complement the existing building, and enhance the area. There will need to be extensive archaeological works, but there is no fundamental harm to the heritage of the area. Public realm works will significantly uplift the area – this is an example of how this project will benefit the wider public and not just those interested in the arts.
- 16.2 This is a project that Colchester Borough Council is leading on, alongside the Mercury Theatre, and that has support and funding from the Arts Council, ECC, and other bodies too. There are no reasons to obstruct the development for planning reasons, and it is appropriate on its planning merits. Despite the constraints around the site, including scheduled ancient monuments, protected trees, listed buildings and space generally, through collaborative working a suitable scheme has been evolved and all issues have been resolved to a satisfactory degree to grant planning permission,

subject to further conditions and controls to secure more specific details based on the approved plans.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

## **18.0 Conditions**

### **1. ZAA - Time Limit for Full Permissions**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004

### **2. ZAM - \*Development to Accord With Approved Plans/AIA\***

Other than to meet specific requirements of other conditions below, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers PL01, PL02, PL03, PL04, PL05, PL06, PL07, PL08, PL09, PL10, PL11, PL12, PL13, PL14, PL15, PL16, PL17 Rev A, PL18, PL19 Rev C, and PL20, as well as the Arboricultural Impact Assessment dated 28<sup>th</sup> July 2017 (Ref: TPSarb6651216).

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

### **3. ZBD - Schedule of Types and Colours to be Submitted**

No external materials shall be used until a schedule of all types and colours has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where types and colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

### **4. Z00 – Specific Detailing**

Prior to the erection of any new development above ground level, detailed elevation drawings and cross sections at a scale between 1:20 and 1:100 (as appropriate) shall be submitted to and agreed, in writing, by the Local Planning Authority for the following detailed design matters:

- The timber cladding edges, joins, corners and other transitions
- Any edge/join and/or integration between different external surface materials
- All entranceways and doors, including frames/surrounds and adjacent walls
- All glazing and windows, their frames, recesses and reveals, and adjacent walls
- Any lintels, cills, shutters, frames and any other surrounds
- Any banding or columns that articulate the surfaces
- Hinges and opening mechanisms for new external doors and windows
- Any rainwater goods

The development shall thereafter be carried out strictly as agreed in the approved details.

Reason: To ensure that there is a satisfactory level of fine detailing, upon which the success of the design depends, and where there is insufficient levels of information on the submitted plans.

## **5. Z00 - Brick Mortar Mix and Pointing Profiles**

Prior to the use of any brick surface finish, details of the mortar mix and pointing profiles shall have previously been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure that these details are satisfactory for the prominence of the building and conservation area, where there is insufficient detail within the submitted drawings.

## **6. ZBD - Schedule of Types and Colours to be Submitted**

Notwithstanding the approved plans, prior to any above ground works to the southern elevation of the approved development, details of a scheme to add visual interest to the upper floors external façade through fenestration, brickwork patterns, articulation, banding or changes in colour/materials, or other methods to be proposed, shall have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter take place strictly in accordance with the approved details.

Reason: This southern end elevation has a large expanse of unbroken brickwork that needs to be enhanced, but there are a number of options that could be used and that are appropriate, to ensure that this elevation is befitting of its conservation area location.

## **7. Z00 – Archaeology**

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, 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 Colchester Borough Council's Core Strategy (2008) and Colchester's Adopted Guidance, Managing Archaeology in Development (2015).

#### **8. ZFB - \*Full Landscape Proposals TBA\***

No works shall take place above ground level until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the first beneficial use of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Proposed finished levels or contours;
- Means of enclosure;
- Car parking layouts;
- Cycle parking;
- Refuse and recycling storage
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials;
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.);
- Retained historic landscape features;
- Proposals for restoration;
- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- Implementation timetables and monitoring programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

#### **9. Z00 – Retention of Trees T10 and T11**

Notwithstanding the details shown on the approved drawings and in the approved tree report, the trees labelled as T10 and T11 to the eastern side of the site shall be retained as part of the development.

Reason: For the avoidance of doubt as to the scope of the permission, as it is felt that the development can take place without harm being caused to these trees, which should then be retained for their group value as part of the collective sylvan feel, tree screening and soft forms of landscape enclosure on this main thoroughfare.

### **10.Z00 - Tree and Natural Feature Protection: Protected Area**

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans, as well as T10 and T11, have been safeguarded behind protective fencing to the standard shown in Arboricultural Impact Assessment dated 28<sup>th</sup> July 2017 (Ref: TPSarb6651216). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

### **11.ZFS - Tree and Hedgerow Protection: General**

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998. Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

### **12.ZFU - Tree Canopy Hand Excavation**

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

### **13.Z00 – Scheme of Tree Supervision**

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by conditions 10 and 11 has been approved, in writing, by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. Confirmation that the scheme of supervision shall be carried out as agreed.
- g. How the scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

The development shall then take place in accordance with the approved details thereafter.

Reason: To ensure that a suitably qualified arboricultural expert oversees this development given the number and value of the trees on site, in this prominent central location of town.

#### **14.ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)**

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

#### **15.ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)**

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **16.ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)**

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **17.ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **18.ZG3 - \*Validation Certificate\***

Prior to the first use of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Conditions above.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **19.ZPA – Construction Method Statement**

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

### **20.Z00 – Disabled Parking Laid Out**

The development shall not be made available for public use until such time as the disabled car parking facility has been provided in accord with the details shown in the approved plans. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

## **19.0 Informatives**

19.1 The following informatives are also recommended:

### **1. ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.



## **2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

## **3. INS – Materials/Timber Informative**

PLEASE NOTE that timber usually suffers when subjected to moisture levels of more than 20% so the applicant should confirm that the proposed location adjacent to a wooded area would not be subject to uneven weathering, streaking or rot. Timbers that do not require preservative treatment include: Western red cedar, European larch, European oak and Douglas fir. It is suggested that these materials are explored before seeking to discharge the materials conditions attached to your permission. These woods are also more naturally resistant to insects, moisture and rot. One of these timbers should be used so that the sustainability benefits of timber can be enjoyed.

## **4. ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

## **5. ZTM - Informative on Works affecting Highway Land**

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.

## **6. ZTR - Informative on Construction Traffic Routes**

PLEASE NOTE that prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

Given the location of the site, a haul route for the delivery of large-scale plant and materials may also be required. Should this prove to be necessary, any route or routes should be agreed in advance with the LPA in consultation with the Highway Authority

#### **7. ZTT - Informative on Change of use from Highway**

PLEASE NOTE that the proposed use should not be commenced and the subject land should not be annexed from the Highway until such time as an Order has been confirmed extinguishing all Highway rights therefrom and the Applicant has established title to the land and to protect the public's right and ease of passage over the Highway

#### **8. ZTU - Informative on Signs and/or Other Over-Sails of the Highway**

PLEASE NOTE that any sign or overhang of any part of the highway maintained at public expense requires a licence under Section 177 or 178 of the Highways Act, 1980 which will incur a financial charge. The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway.

#### **9. ZTY - Informative on Tree Preservation Orders**

PLEASE NOTE: This site is the subject of a Tree Preservation Order.

#### **10. ZUI - Informative When Advertisement Consent May Be Required**

PLEASE NOTE: A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.

#### **11. ZUJ - Informative on Archaeology**

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planning-process>