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**Item No:** 7.8

**Application:** 180104

**Applicant:** Mr Henry Spyvee

**Agent:**

**Proposal:** Interpretation panel containing general historical information and logos including friends of Colchester Roman Wall.

**Location:** Castle Park, Castle Park, High Street, Colchester

**Ward:** Castle

**Officer:** Ishita Sheth

**Recommendation:** Approval

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

1.1 This application is referred to the Planning Committee because the applicant is an Alderman.

## **2.0 Synopsis**

2.1 The key issues for consideration are the design, impact on the character of the area and public safety.

2.2 The application is subsequently recommended for APPROVAL

## **3.0 Site Description and Context**

3.1 This interpretation panel is proposed to be erected on a lectern in the soft landscaping close to a path inside Upper Castle Park, opposite the access to service yard and children's playground. The land is a Scheduled Ancient Monument.

## **4.0 Description of the Proposal**

4.1 This application comprises part of a group of advert consents for interpretation panels to be erected around Colchester Town Centre. The submitted Heritage Statement states that as a part of the wider heritage component of the Colchester Castle Redevelopment Project it is intended to replace the existing interpretation panels at the Balcerne Gate and Duncan's Gate and introduce new panels at up to seven locations around the circuit. These interpretation panels form part of that project.

## **5.0 Land Use Allocation**

5.1 The land is allocated as Public Open Space.

## **6.0 Relevant Planning History**

6.1 None.

## **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:

UR2 - Built Design and Character

- 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  
DP10 Tourism, Leisure and Culture

## **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 Archaeological Officer – Makes the following comments:

This proposal is located in, and has the potential to impact upon, a designated heritage asset (Colchester Castle, NHLE no. 2015031). There is, therefore, high potential for encountering below-ground archaeological remains at this location. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

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 National Planning Policy Framework (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.

The following archaeological condition is recommended:

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 which has been previously submitted to and approved, in writing, by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.
- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008) and Adopted Guidance 'Managing Archaeology in Development' (adopted 2015).

I will, on request of the applicant, provide a brief for the archaeological investigation. In this case, continuous archaeological monitoring will be required during all groundworks relating to the consent.

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>

8.3 Historic England – Supports the proposal.

8.4 The Garden Trust – Does not wish to comment.

## **9.0 Parish Council Response**

9.1 Non- parish

## **10.0 Representations from Notified Parties**

10.1 No public representations were received as part of the application.

## **11.0 Parking Provision**

11.1 Not applicable

## **12.0 Open Space Provisions**

12.1 Not applicable

## **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 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.

## **15.0 Report**

- 15.1 Para 67 of the NPPF states “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.” Para 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Local policies UR2 and DP1 support this aim and give greater detail on the high quality design required from applications.
- 15.2 In assessing an advertisement's impact on "amenity", regard has to be had to the effect on the appearance on visual amenity in the immediate neighbourhood where it is to be displayed. It is therefore necessary to consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The panel is located within a park in a location near the monument where the best view may be obtained of the historic features being interpreted. The design of the interpretation panel is pleasant and informative, adding visual interest to the area. Overall, it is considered to have a positive impact on the amenity of the immediate area.
- 15.3 In assessing an advertisement's impact on "public safety", regard has to be to the effect upon the safe use and operation of any form of traffic or transport. In assessing the public safety implications of an advertisement display, one can assume that the primary purpose of an advertisement is to attract people's attention; therefore it should not automatically be presumed that an advertisement will distract the attention of passers-by. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. The form of the interpretation panel would not impede access, and moreover would not create such a distraction that pedestrian movement would be hindered.
- 15.4 The In-house archaeologist's comments are noted but as an application for Advertisement Consent it would not be appropriate to impose an archaeology condition. The scheme will require Monument Consent from Historic England and that will deal with these matters. On that basis an informative will be imposed for information purposes.

## **16.0 Conclusion**

- 16.1 To summarise, the application accords with the relevant national and local planning policy considerations and will help to maintain and provide information on a valued cultural feature of the townscape, as such it is subsequently approved.

## **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:

### **1. ZQA - Standard Advert 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. ZQB - Limited Period Advertisements**

The period of display of the advert hereby consented shall run for 10 years from 8th March 2018 until 8th March 2028 in line with the period of time requested by the applicant.

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

### **3. ZAM - \*Development to Accord With Approved Plans\***

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings.

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

### **4. ZBB - Materials As Stated in Application**

The materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

## **18.0 Informatives**

- 18.1 This proposal is located on a Scheduled Ancient Monument and therefore will need Monument Consent from Historic England. Historic England can be reached on 0370 333 0607, via [customers@HistoricEngland.org.uk](mailto:customers@HistoricEngland.org.uk) or [www.historicengland.org.uk](http://www.historicengland.org.uk).