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Item No: 7.3

Application: 171768

Applicant: Mr Henry Spyvee

Agent: --

Proposal: Non-illuminated information lectern

Location: Balcerne Hill, Colchester, CO7 9RZ

Ward: Colchester

Officer: Chris Harden

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 As this is an application for consent to display an advertisement the key issues that can be considered are impact upon amenity and public safety. Amenity can cover a number of issues such as visual amenity, and subsequent visual impact on its surroundings and residential amenity. Impact upon Heritage Assets can also be considered as these can be a public amenity. Public safety can include highway safety considerations.
- 2.2 The application is subsequently recommended for approval. It is not considered the non-illuminated information lectern would result in any significant visual detriment to the character of the area, including upon the Conservation Area or to the setting of the nearby Roman Wall which is a Scheduled Ancient Monument and Grade 1 Listed. It is of modest size and follows the standard heritage format for such signs. A condition can ensure that any archaeological finds are recorded. There would not be any detriment to residential amenity. It is not considered that there would be any impact upon public safety including highway safety such is impact upon visibility splays, distraction of drivers or causing a trip hazard.

3.0 Site Description and Context

- 3.1 The site lies within the Conservation Area, within an Area of High Archaeological potential and is currently a small grassed area adjacent to the Roman Wall and pavement. The Roman Wall is a Scheduled Ancient Monument (Essex No.7) and is a Grade 1 Listed Building.

4.0 Description of the Proposal

- 4.1 The proposal is an application for consent to display an advertisement in front of the wall. The advertisement is in the form of a non-illuminated information lectern which describes the Balcerne Gate. The bottom of the lectern would be 0.9 metres above ground level, attached to a supporting post and would measure 0.92 metres by 0.67 metres.
- 4.2 The applicant has confirmed that Scheduled Monument Consent for the proposed works was obtained from the Secretary of State for Culture, Media and Sport on 17th February 2016 (ref.S00128447.)

5.0 Land Use Allocation

5.1 Physical limits.

6.0 Relevant Planning History

6.1 No relevant planning history.

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
UR2 - Built Design and Character
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
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets

7.4 There are no adopted Site Allocations (adopted 2010) policies relevant to the application.

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

Open Space, Sport and Recreation
Managing Archaeology in Development.

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 Archaeology: The Council's Archaeologist states that "The proposed development is situated within the area of high archaeological interest that has been defined in the Colchester Historic Environment Record, adjacent to the Town Wall. The Town Wall is a designated heritage asset of national importance, recorded on the National Heritage List for England (NHLE) and statutorily protected as a Scheduled Monument under the [Ancient Monuments and Archaeological Areas Act 1979](#) (NHLE no. 1003772). 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."

An archaeological programme of works condition is therefore recommended.

9.0 Parish Council Response

- 9.1 N/A

10.0 Representations from Notified Parties

- 10.1 No observations received.

11.0 Parking Provision

- 11.1 N/A

12.0 Open Space Provisions

- 12.1 N/A

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 As this is an application for consent to display an advertisement, the key issues that can be considered are impact upon amenity and public safety. As outlined earlier, amenity can cover a number of issues such as visual amenity, and subsequent visual impact on its surroundings and residential amenity. Impact upon Heritage Assets can also be considered as these can be a public amenity. Public safety can include highway safety considerations.
- 15.2 It is not considered the non-illuminated information lectern would have any significant visual detriment to the character of the area, including upon the character of the Conservation Area or to the setting of the nearby Roman Wall which is a Scheduled Ancient Monument and Grade 1 Listed. It is of modest size and follows the standard heritage format for such signs. It serves an important function in outlining the historic significance of the Balke Gate which is a Roman monumental arch to mark the foundation of Roman Colchester.
- 15.3 With regard to the impact upon archaeology, the Council's archaeologist has confirmed that an archaeological programme of works is required as the site lies within an area of high archaeological interest that has been defined in the Colchester Historic Environment Record, adjacent to the Town Wall. Whilst the disturbance to the ground would be in a very small area, there would still be the potential to damage archaeological deposits. The condition can ensure that any archaeological finds are recorded.
- 15.4 There would not be any detriment to residential amenity as no dwellings are nearby. It is not considered there would be any impact upon public safety including highway safety such as impact upon visibility splays, distraction of drivers or causing a trip hazard.

16.0 Conclusion

- 16.1 To summarise, the advertisement in the form of a lectern is considered acceptable from an amenity and public safety point of view. There would not be a detrimental impact upon the character of the Conservation Area or on the setting of the Roman wall. A condition can ensure that any archaeological finds are recorded. There would be no detriment to residential amenity or to public safety.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

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. ZAM Development to Accord with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: Location plan, Information on pedestal, Concept Drawing and Multi Interpretation Panels received 6/7/17

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

3.ZNL- Full Archaeological Condition

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 with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

18.0 Informatives

18.1 The following informatives are also recommended:

1. 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 or by using the application form entitled 'Application for approval of details reserved by a condition.' (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.