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Item No: 7.3

Application: 240528

Applicant: Sir Bob Russell

Agent: Stanley Bragg Architects Limited

Proposal: Relocation of the approved granite plinth to describe the Twinkle Star statue

Location: Land adj 32 and, 33-34 High Street, Colchester, CO1 1DH

Ward: Castle

Officer: Chris Harden

Recommendation: Authority to Approve subject to consideration of any additional/outstanding consultation responses received.

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee for reasons of transparency as the applicant is an Alderman of the City.

2.0 Synopsis

2.1 The key issues for consideration are the impact of the proposal on the character and setting of the Conservation Area and the nearby Listed Buildings as well as any potential impact on the foot path, pedestrian foot traffic and any other wider highway impacts.

2.2 The application is subsequently recommended for Approval, subject to consideration of any additional consultee comments being received. The proposal has previously been approved and this revision positions the statue and plinth approximately 1 metre further Eastwards and it would now also be sited slightly closer to the outer pavement kerb. Its impact upon heritage assets and upon the highway remains acceptable.

3.0 Site Description and Context

3.1 The site is located within Colchester High Street close to the footpath junction of Pelhams Lane (to the south) and with West Stockwell Street the other side of the road (to the north). The site is located within Colchester Conservation Area 1 and there are several listed buildings nearby. The Town Hall lies to the North and further listed buildings lie to the west and northeast.

3.2 The proposed location of the granite plinth and the associated statue is at a point where the footpath is at its widest point.

4.0 Description of the Proposal

4.1 The proposal is for a revision to the location of the approved granite plinth to describe the Twinkle Star statue and of the statue itself. The proposal has previously been approved and this revision positions the statue and plinth approximately 1 metre further Eastwards and it would now also be slightly closer to the outer pavement kerb.

4.2 It is proposed to place the 1.8m Taylor Sisters statue on a granite plinth with flamed finish base which will be flush with the existing pavement. This will extend 6 metres west in length (with the statue occupying the first metre), to a width of one metre and will contain inlaid lettering and symbols explaining the history and relevance of the Taylor sisters and their work.

4.3 The submitted planning statement states that the sisters lived in West Stockwell Street between 1796 and 1810 and were the authors of a number of published works including the poem Twinkle Twinkle Little Star.

4.4 The statue is intended to commemorate this with the two sisters shown to be pointing up to the sky. The location of the proposal on the High Street is due to West Stockwell Street's pavements being too narrow to accommodate the sculpture.

5.0 Land Use Allocation

5.1 The current land use is classed as Town Centre Outer Core and includes retail, offices, leisure and cultural facilities.

6.0 Relevant Planning History

6.1 210121 Erection of a statue of the Taylor sisters - Dedicated to the children of the world - Approved

231603 Installation of a granite plinth to describe the twinkle star statue - Approved

7.0 Principal Policies

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

7.2 Local Plan 2017-2033 Section 1

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

- SP1 Presumption in Favour of Sustainable Development
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

ENV1 Environment
CC1 Climate Change
DM15 Design and Amenity
DM16 Historic Environment

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

The Essex Design Guide
External Materials in New Developments
Sustainable Construction
Urban Place Supplement

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.

Highway Authority:

Having reviewed the submitted information, I confirm from a highway and transportation perspective the Highway Authority has no Objection to the proposal.

Note: The proposal is in accordance with the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

Informative: All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Colchester Civic Society:

“Reason for comment: Support the proposal

Comment: The Colchester Civic Society is supportive of the application for a minor amendment to the earlier approval of this installation (210121).”

Conservation Officer has no objections

Archaeologist:

“Having examined the submitted plans and documents, I can confirm that the proposed development will not result in material harm to the significance of below-ground archaeological remains. Therefore, there will be no requirement for any archaeological investigation in this case.

This is consistent with the previous permission 210121. “

9.0 Parish Council Response

- 9.1 Non-Parished

10.0 Representations from Notified Parties

- 10.1 The application has not resulted in any further comments from interested third parties including neighbouring properties so far. Any received will be reported to the Committee.

11.0 Parking Provision

11.1 N/A

12.0 Accessibility

12.1 It is considered the provisions of the The Equality Act 2010 can be complied with, in particular accessibility.

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

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

15.0 Planning Obligations

15.1 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.

16.0 Report

Principle:

16.1 The principle of the statue with this plinth has previously been agreed and is extant so the key considerations relate to the differences between the approved scheme and impacts upon the character of the Conservation area, setting of Listed Buildings and any Highway related issues. The proposal differs from the approved scheme in that this revision positions the statue and plinth approximately 1 metre further Eastwards and it would now also be slightly closer to the outer pavement kerb.

Impact upon Conservation Area, street scene and setting of Listed Buildings.

- 16.2 With regard to the layout and design of the proposal, Policies SP7 and DM15 of the Local Plan provide that development must respect and enhance the character of the site, its context and surroundings in terms of architectural approach, height, size, scale, form and massing.
- 16.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant adopted Local Plan policy is DM16.

- 16.4 Paragraph 206 of the NPPF (2021) states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 207, 208 and 209 deal with substantial harm and less than substantial harm respectively. Where less than substantial harm is caused to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 16.5 The revised scheme only differs from the approved scheme by a relatively minor repositioning. Accordingly, its design, from, detailing and use of materials remains acceptable and would be visually appropriate within the Conservation Area and in terms of its relationship to Listed Buildings.
- 16.6 The proposal represents a historic reference to two local figures and their published work is familiar worldwide. The proposal is therefore considered to be a benefit to the Town Centre and Colchester heritage as celebrating significant historic local figures.
- 16.7 Whilst the plinth is quite lengthy, it is obviously low lying so does not have a significant visual impact in the wider street scene or detract from the Conservation Area or setting of Listed Buildings. Overall, as before the statue and plinth are deemed to represent the lowest scale of less than substantial harm and there are sufficient public benefits to outweigh this harm involving the celebration of historic figures in the statue and the associated information on the plinth.
- 16.8 Therefore, as concluded previously it is considered that the proposal meets the requirements of the NPPF in particular paras 206, 207-209. The proposal would comply with adopted Local Plan Policy DM15 as the proposal respects the character of the site and its surroundings. Local Plan Policy SP7 (Place Shaping Principles) has similar provisions. It would also comply with Policy ENV1.
- 16.9 The proposal would comply with Policy DM16 which provides that development will not be permitted that will adversely affect a Listed Building or Conservation Area and that development affecting the historic environment should seek to preserve or enhance the heritage asset.

Highway Issues

- 16.10 The Highway Authority have raised no objections and previously have confirmed that “No works shall take place within the highway until such time as the necessary licensing from Essex County Council and necessary Streetworks permits has been received by the applicant and all necessary conditions / requirements of that licence have been complied with.” This will be conditioned again. All work within or affecting the highway will need to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and details need to be agreed with the Highway Authority before the commencement of works.

16.11 The pavement widens at this point so there will still be room for highway users. It is considered that the proposed statue will result in minimal impact to the flow of foot traffic given the width of the foot path at this location and being close to a site of the previous street planter. The statue has a relatively small footprint and the granite is flush with the pavement anyway. Accordingly it is not considered there would be a detriment to highway safety or accessibility. Policy DM15 would therefore be complied with in this respect.

Other:

16.12 In terms of other planning considerations, the proposed development does not raise any concerns. There would be no impact upon neighbouring residential amenity (DM15) and no issues relating to archaeology (DM16), trees, vegetation or upon wildlife (ENV1).

17.0 Planning Balance and Conclusion

17.1 To summarise, the impact on the Conservation Area and the setting of heritage assets is considered minimal and differs little from the approved scheme and therefore acceptable as before. Impacts to the highway regarding flow of foot traffic will be minimal and the enhancement of the local area by way of celebrating local context historical residents is considered a wider benefit to the town centre area and Colchester in general. There are no archaeological concerns.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

Authority to Approve with APPROVAL of planning permission subject to consideration of any further comments received and to the following 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*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings: 6949-1102 Rev B, 6949-1103 Rev A Rec'd 11.3.24, 649-1101, 6949-1102 Rec'd 20.3.24.

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

3. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority. Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Z00 - Licensing

No works shall take place within the highway until such time as the necessary licensing from Essex County Council and necessary Streetworks permits has been received by the applicant and all necessary conditions/requirements of that licence have been complied with. Reason: To protect the highway user and the integrity and fabric of the highway in the interests of highway safety.

19.1 Informatives

19.1 The following informatives are also recommended:

Informative1: The Highway Authority has stated that all work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants are advised to contact the Development Management Team by email at development.management@essexhighways.org.

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.

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 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.

Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.