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## Item No: 7.4

**Application:** 223025

**Applicant:** Cllr Peter Hewitt

**Agent:** Philip Wise

**Proposal:** Installation of Heritage Interpretation Panel to former site of the medieval St Michael's Church.

**Location:** Former St Michael's Church, Rectory Close, Colchester

**Ward:** Mile End

**Officer:** Nicola Perry

**Recommendation:** Approve

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

- 1.1 This application is referred to the Planning Committee due to the applicant being Colchester City Council on behalf of Myland Community Council.

## **2.0 Synopsis**

- 2.1 The application seeks advertisement consent for an interpretation panel of pedestal style, to provide information to the public about the original St Michael's Church. The key issues for consideration are the design and visual impact of the proposal on the application site and surrounding area, as well as amenity and public safety.
- 2.2 Having assessed the application against local and national legislation, policy and guidelines it is considered that the proposed development would not have a detrimental impact visually, or cause harm to amenity or public safety.
- 2.3 The application is subsequently recommended for approval, subject to conditions. All relevant issues are assessed in the report below.

## **3.0 Site Description and Context**

- 3.1 The application site is an area of open green space bounded by hedging and fencing, situated on the south side of Rectory Close, a small residential cul-de-sac off Mile End Road. It contains the remaining foundations of the former medieval St Michael's Church, tombstones, and several mature trees, however these trees are not covered by Tree Preservations Orders (TPO's).
- 3.2 The remains of the original St Michaels Church are included on Colchester's Local List which recognises non-designated heritage assets that are valued by the local community and make a significant contribution to the heritage of the area.
- 3.3 The application site is not situated within designated land such as a Conservation Area, an Area of Outstanding Natural Beauty (AONB), and is not a designated Scheduled Monument.
- 3.4 The application site is owned by Colchester City Council and the necessary certificate of ownership has been completed to confirm they have been given requisite notice.

## **4.0 Description of the Proposal**

- 4.1 Advertisement consent is required for the interpretation panel which will contain historical information and graphics in relation to the original St Michaels Church. This is to be of the same design and specification as used elsewhere within Colchester as per the concept drawing (Balkerne Gate – 130350).
- 4.2 Planning permission would be required for the installation of the proposed interpretation panel, measuring 921mm in width by 674mm in height and 40mm

in depth and would stand 0.8m in height from the ground. Planning Permission can be sought separately.

## **5.0 Land Use Allocation**

5.1 Within Colchester settlement limits.

## **6.0 Relevant Planning History**

6.1 There is no recent planning history of particular relevance to this application.

## **7.0 Principal Policies**

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

### **7.2 Local Plan 2017-2033 Section 1**

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

- SP1 Presumption in Favour of Sustainable Development
- 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:

SG8 Neighbourhood Plan  
ENV1 Environment  
DM5 Tourism, leisure, Culture and Heritage  
DM15 Design and Amenity  
DM16 Historic Environment

7.4 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the City.

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

- The Essex Design Guide
- External Materials in New Developments
- Myland Parish Plan AND Myland Design Statement

## **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.

### **Historic Buildings and Areas Officer**

- 8.2 The Historic Buildings and Areas Officer has analysed the impact upon heritage, stating that; “The application proposes the installation of an interpretation panel at the site of the former St Michael’s Church . The site is included in Colchester’s adopted Local List and comprises stones and gravestone marking the site of the Church. By virtue of its design and content, the interpretation panel would be similar to other panels of this type that are located along the remains of the Town Wall and on other heritage points of interest within the historic city centre. The panel would raise awareness of the site’s significance and enhance its appreciation by the public . Therefore, it is a welcome addition and there are no objections to its erection.”

### **Archaeological Advisor**

- 8.3 The Archaeological Advisor has confirmed there are no archaeological issues.

### **Contaminated Land Officer**

- 8.4 The Contaminated Land Officer has responded with no objections.

### **Essex Highway Authority**

- 8.5 The Highway Authority does not object to the proposals as submitted and ask that an informative is added to any permission granted requesting any works within or affecting the highway to be agreed with them before commencement.

## **9.0 Parish Council Response**

- 9.1 The Parish Council have not commented on this application as it has been submitted on their behalf by Colchester City Council.

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties.
- 10.2 A local resident raised concern via telephone that not all neighbouring properties had received notification letters. These were re-issued where necessary with the 21 day statutory period allowed for representations to be made and instructions how to submit.
- 10.3 The application received no written representation from members of the public (objections/or support) in response to notification.

## **11.0 Parking Provision**

11.1 Parking provision would be unaffected by this proposal.

## **12.0 Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In considering the application, due regard has been given to the Local Planning Authority's duties under the Equality Act 2010. Representations have not been received identifying any specific equality implications potentially arising from the proposed development and requiring additional consideration. The height of the proposed panel would appear to be suitable to be read by wheelchair users. The proposal does not give rise to any other concerns from an accessibility or equality perspective.

## **13.0 Open Space Provisions**

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

## **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**

16.1 Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) requires local planning authorities when determining an application under these provisions shall only exercise its powers in the interests of amenity and public safety, taking account of policies within the development plan, in so far as they are material, or any other relevant factors.

16.2 Paragraph 132 of the National Planning Policy Framework (NPPF) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

16.3 The main issues in this case are:

- The Principle of Development
- Amenity
- Public Safety

- Other Matters

### **Principle of Development**

- 16.4 The principle of erecting interpretation panels at key points of interest in Colchester is established. This proposed panel would provide members of the public access to information about the significance of the former St Michael's Church, that they may not have otherwise have been aware of.

### **Design and Amenity**

- 16.5 Section 1 Local Plan Policy SP7: Place Shaping Principles states that all new development should respond positively to local character and protect and enhance assets of historical value.
- 16.6 In considering design and visual impact, Section 2 Local Plan Policies DM15, DM16 and ENV1 are particularly relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings and safeguarding heritage and landscape features.
- 16.7 For the purposes of advertisement consent, the NPPG confirms that "Amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. In practice, amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site where the advertisement is to be displayed, where residents or passers-by will be aware of it. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic scenic, architectural, cultural or similar interest.
- 16.8 The proposed interpretation panel is considered acceptable in this location in terms of its design, colour, size, form and use of materials. Owing to its limited scale and relatively muted colour palette, the proposed panel would not introduce an overly prominent feature or significantly alter the character of the site. Therefore, it is considered that it would not have a detrimental impact on the visual amenities of the surrounding area.
- 16.9 The site is included on Colchester's adopted Local List, which recognises non-designated heritage assets that are valued by the local community and make a significant contribution to the heritage of the area. For the reasons stated above, the proposed interpretation panel would not be visually dominant, consequently it is considered that it would not have an adverse impact on the historic significance of the site. The Council's heritage officer has no objections to the proposal, which would raise awareness of the significance of the site and enhance its appreciation by the public.
- 16.10 The site contains several mature trees, which although not covered by TPO's have high amenity value. Due to the location and scale of groundworks associated with the installation of the proposed interpretation panel, additional surveys are not necessary or justified. A standard condition would be applied to

any grant of planning permission, to ensure they are afforded appropriate protection during construction works.

### **Impact on Neighbouring Properties**

- 16.10 The proposed interpretation panel is modestly sized and would be situated a substantial distance from any nearby dwelling, it is therefore felt that it would have no material impact on residential amenity. The proposed panel would not be illuminated and so there are no concerns that the nearby dwellings would be impacted by light pollution.

### **Public Safety**

- 16.11 In assessing an advertisement's impact on public safety, it is necessary to consider the effect upon the safe use and operation of any form of traffic or transport. Section 2 Local Plan Policy DM21 requires all development to maintain the right and safe passage of all highways users.
- 16.12 The National Planning Practice Guide (NPPG) states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety.
- 16.13 The proposed panel would be located inside the entrance to the site, in an area of public open space. The content of the proposed panel relates to the site in which it is located and is not significantly different to the other interpretation panels throughout Colchester. The proposed panel would be set back from the highway where it is considered that it would not be mistaken for traffic signs so as to pose a danger to highway safety. The proposed panel would attract passers-by to a certain extent (as they are designed to do), but are not considered to distract passers-by unnecessarily or to a hazardous extent. The Highway Authority have been consulted as part of the application and have confirmed that they have no objections to the proposal.
- 16.14 Consequently, there are no concerns that the proposed interpretation panel would pose a risk to public safety. Although the site lacks street lighting, it is situated off a residential cul-de-sac and does not contain a public footpath, therefore pedestrian footfall is limited. There would be no dangerous protrusions and therefore no significant concerns that the interpretation panel would be a potential trip hazard at dusk or in the dark.

## **17.0 Planning Balance and Conclusion**

- 17.1 To summarise, the proposed interpretation panel is acceptable in design terms, including taking into account of the visual impact upon the site and surrounding area. The level of harm to neighbour amenity is not considered to be material or unacceptable. Additionally, the proposed interpretation panel has been assessed in accordance with guidelines for advertisements and is acceptable in terms of public safety and amenity, subject to conditions. No objections have been received and it is felt that the proposal accords with the Council's policy requirements.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

APPROVAL of advertisement consent subject to the following conditions:

### **1. 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.

## **19.1 Informatives**

19.1 The following informatives are also recommended:

### **Highway Authority Informative**

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 should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

### **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.