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## Item No: 7.2

Application: 183085  
 Applicant: Colchester Borough Council  
 Agent: Mr Jonathan Dallas, Dallas Pierce Quintero  
 Proposal: Erection of a metal three dimensional wayfinding sculpture. Replacement of the existing planting and trees with a new landscape design that complements the sculpture- Provision of two CCTV cameras within the roundabout central island (removal of the existing CCTV camera).  
 Location: Albert Roundabout, Cowdray Avenue, Colchester  
 Ward: Castle  
 Officer: Annabel Cooper  
 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 Colchester Borough Council.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the impact on highway safety and visual amenity.
- 2.2 The application is subsequently recommended for conditional approval. It is not considered there would be any detriment to highway safety and the highway authority have made no objections. The proposal is considered acceptable from a visual amenity point of view in this context. Replacement landscaping is proposed to complement the scheme.

## **3.0 Site Description and Context**

- 3.1 Albert Roundabout is a traffic management island between North Station Road, Cowdray Avenue and Colne Bank Avenue. The roundabout is a raised central island with a diameter of 39.5m.
- 3.2 This proposal forms part of a wider initiative known as 'Fixing the Link' and is designed to offer a clear pedestrian walking route between Colchester Town Centre and Colchester Station. Whilst it is felt that the route is clear to residents, tourists and visitors to Colchester find the route unclear in terms of wayfinding.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the erection of a metal three dimensional wayfinding sculpture which would appear as an elephant when viewed from a certain angle that would point towards town from the direction of the station. The structure would have a maximum height of 7.8 metres. The proposal builds on the legend of the Emperor Claudius entering Colchester in triumph on the back on an elephant in AD43.
- 4.2 Replacement of the existing planting and trees with a new landscape design that complements the sculpture.
- 4.3 The provision of two CCTV cameras within the roundabout central island and the removal of the existing CCTV camera.

## **5.0 Land Use Allocation**

- 5.1 No allocation (roundabout).

## **6.0 Relevant Planning History**

6.1 None directly relating 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 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. In the associated Proposals Maps (October 2010) this area is shown as a Mixed Use corridor surrounded by predominantly residential areas. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA4 - Roads and Traffic
- 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
- DP4 Community Facilities
- DP10 Tourism, Leisure and Culture
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals

### **Emerging Local Plan**

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

The stage of preparation of the emerging plan;  
The extent to which there are unresolved objections to relevant policies in the emerging plan; and  
The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

7.4 No Neighbourhood Plans are relevant.

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

The Essex Design Guide  
External Materials in New Developments  
Sustainable Construction  
Developing a Landscape for the Future  
ECC's Development & Public Rights of Way  
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 Archaeologist states:

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

8.3 Landscape officer:

Comments (summarised):

The landscape content/aspect of the strategic proposals lodged on 17/12/18 would appear satisfactory.

If however, as has been discussed with the applicant, full landscape details are submitted at this the application stage then they will need to be cross-checked against Guidance Notes B (LIS/B) (this is available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link). To achieve full compliance with LIS/B the following clauses of LIS/B (with additional site specific comments added in blue) will need to be addressed under revisions to Soft Landscape Plan 170824-L-11 & Lighting Layout drawing PL0113:

Proposals need to comprise copies of co-ordinated and numbered drawing(s) (plan(s) and if applicable sections) to a clearly readable scale, including clear and concise layout of planting and (where conditioned) external works, with a corresponding symbol key for each relevant drawing. – Revise the title of drawing 170824-L-11 to 'Landscape Plan', this in order that it captures both soft landscape and external works.

Where full landscape proposals need to be agreed then external works details will need to be included and the following standard approach complied with; proposals need to include:

Details of all surface materials (i.e. their type & colour) need to be included within any relevant proposal drawing and its 'key'; - Include the proposed colour for the proposed gravel (preferably light colour to complement the 'savanna' character of the landscape scheme) against the gravel symbol in the key on drawing 170824-L-11.

All lighting, where proposed, requires a note against the symbol key confirming (verbatim) that:

'All lighting proposals comply with Colchester Borough Council's External Artificial Lighting Guidance 2012'.

Include this note verbatim on drawing PL0113.

Any detailed landscape/planting proposals need to include basic specifications in order to secure an adequate level of implementation and best ensure establishment. The following 2 specifications include the minimum information base expected and should be included (verbatim) as a note on any proposal:

'All landscape works to be carried out broadly in accordance with the relevant current British Standards; National Planting Specifications Guidelines; Horticultural Trades Association standards; CPSE 'Plant Handling' Standards & COSHH Regulations.'...; and

'The landscape scheme/planting program is confirmed as being timetabled for implementation by or during the first planting season (mid-November to mid-March) after substantial completion of the development.'

Simply add both these verbatim clauses to any revised proposals (required as catch-all clause in addition to, or in lieu of, any proposed landscape specifications) on drawing 170824-L-11.

Where separate condition require that a landscape management plan be submitted and agreed then the following should be included (verbatim) as a note on any proposal:

'The landscape will be managed in perpetuity, it will be competently monitored and follow best landscape management practice principals, it will follow a maintenance schedule sufficient to keep it well maintained, safe, tidy and in a good state of repair.'

Simply add this verbatim clauses to any revised proposals (required as a catch-all clause in addition to, or in lieu of, any proposed management plan) on drawing 170824-L-11.

### Conclusion:

In conclusion, there are no objections to this application on landscape grounds, however in order to avoid the imposition of conditions requiring detail landscape to be submitted the above points will need to be addressed.

The following condition(s) is/are recommended.

ZFE – Landscape management plan

Bespoke:

Z00 – Hard and soft landscape works.

#### 8.4 Environmental Protection state :

Should planning permission be granted Environmental Protection wish to make the following comments:-

ZGR - \*Light Pollution for Minor Development\*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ3 SMALL TOWN CENTRES OR URBAN LOCATIONS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

#### 8.5 Tree Officer:

"I am in agreement with the information provided.

The proposal requires the felling of the trees on the roundabout but given the relatively low quality of these trees it is deemed acceptable as per the guidance given in BS5837: 2012.

The loss of these trees could be mitigated through landscape planting.

### Conclusion

In conclusion, I am satisfied with the arboricultural content of the proposal

### Recommendation

Agreement to the landscape aspect of the application.

## 8.6 Highway Authority states:

“From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

**1.** No development shall take place, including any ground works or works of site clearance, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. the means or method of protecting the travelling public within the highway throughout the site clearance and construction phases
- vi. a traffic management plan to maintain the free flow of motorised traffic throughout the site clearance and construction phases

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, to protect the travelling public and maintain the free flow of traffic in the Classified Road, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

**2** No development shall take place until the means of illumination of the proposed development has been approved in writing by the Local Planning Authority.

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

**3** No development shall take place until the required licencing of the proposed private apparatus in the highway and the structure has been secured by the applicant which shall be approved in writing by the Local Planning Authority.

Reason: To protect and preserve the integrity and fabric of the highway in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

**Informative 1:** The applicant should be advised that the Road Safety Audit and or Safety Audit should accompany any request for licencing of the proposed development.

**Informative 2:** 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) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

## **9.0 Parish Council Response**

### **9.1 Non Parish**

## **10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 There were a total of 12 objections received, 10 of these objected to the cost of the project and expressed personal opinions as to how the money would better be spent. There was also a comment made that expressed an opinion that there was a limited amount a public consultation before the application was submitted.

10.3 There were 2 objections that raised concerns that contained the following planning considerations: highway safety, tree protection orders and impact to highways during construction and light pollution.

## **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 The main issues in this case are:

### The Principle of Development

- 15.2 The principle of the development is to install a public art work that contributes to the objectives of the sustainable transport initiative known as ‘Fixing the Link’. The Albert Roundabout has been identified as a key entry point into the town. The aim of the fixing the link project is to improve the walking route between the Colchester’s North Station and the Town Centre. The sculpture is a wayfinding device which is designed to improve pedestrian legibility and orientation. The artwork is designed to create a high visual impact landmark. The replacement of existing planting is to compliment the design. The lighting of the sculpture is designed so that the sculptural will work during both the day and the night.
- 15.3 The proposal is inspired by the tales of conquering Emperor Claudius’s dramatic arrival into Colchester with a herd of elephants in AD43.
- 15.4 Core Strategy Policy SD1 states that the Council will support Colchester’s aim to be a prestigious regional centre, the Borough Council will promote high quality design and will focus on enhancing the character and quality of the Town Centre, the Regeneration Area and Key Gateways to Colchester. Albert Roundabout is located in a regeneration area and identified as a key gateway to the town it is therefore considered that the proposed will enhance the character of the area.
- 15.5 Policy UR1 - Regeneration Areas states that regeneration will enhance Colchester’s attractiveness as a visitor destination. The urban renaissance will be advanced through redevelopment that improves accessibility. The Albert Roundabout is within the North Station Regeneration Area of which one of the aims is to deliver an attractive gateway to business, tourists, commuters and residents, it is considered that the proposal would help to deliver an attractive gateway.
- 15.6 This application which is part of a wider project to clearly signpost the main walking route between Colchester Town Centre and Colchester North Station contributing towards the stated goals of improving the public realm and making Colchester more attractive for visitors.

### Design, scale and form

- 15.7 The sculpture according, to design and access statement submitted by the applicant, was designed to deliver a significant impact on the surrounding area. The perspective sculpture is designed not only to create interest but to offer human interaction in visualising the form and the proposal has been inspired by the idea of rotating a profile 360 degrees. The elephant motif which the design is based on is also seen at the Railway Station. Also, the weathered steel finish is common to other elements of 'fixing the link'.
- 15.8 The scale of the sculpture is in line with the many of the adjacent buildings, it is made up of 26 elements range from a minimum height of 2m to maximum height of 7.8m, with a varying pole section which has been sized accordingly. It is designed to create a significant impact. In this respect the proposal is considered to be visually acceptable and would enhance the wider site and its surroundings, being a work of art that that adds to the quality of the surrounding townscape.
- 15.9 There have been no objections received relating to the design of the sculpture.
- 15.10 Policy UR2 states that the Borough Council will promote and secure high quality and inclusive design in all developments to make better places for both residents and visitors, creative design will be encouraged to inject fresh visual interest into the public realm. Also policy UR2 states that the street environment can be improved by public art. The proposal is considered to accord with the aims of these policies. The proposal would also accord with Policy DP1 as it is considered to enhance the character of the site and its context and would be visually beneficial to this part of the townscape.

### Residential amenity

- 15.11 Development plan policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity.
- 15.12 The proposal includes for lighting to be installed as part of the sculpture. There are to be 52 circular in-ground LED uplights with narrow beams to avoid any light spill onto the highway. The Council's Environmental Protection Officer has recommended a condition and this condition will ensure that the scheme is acceptable and would not be detrimental to residential amenity or highway safety. The proposal would therefore accord with Policy DP1 in this respect.

### Highways Issues

- 15.13 There are not considered to be any highway safety issues. The applicant has had a Stage 1/2 Road Safety Audit (RSA) completed. The report states 'it is not felt that the proposed scheme will have any bearing on collision patterns at this junction.' There are no safety problems identified in terms of alignment, junctions, signing, lighting, road markings and non-motorized road users.
- 15.14 The Highways Authority from a highway and transportation perspective considered that the proposal is acceptable. There have been a number of conditions recommended, as outlined earlier.

### Arboricultural Issues

- 15.15 The arboricultural officer does not object to the proposal and commented that there are trees to be felled on the roundabout but given the relatively low quality of these trees their loss could be mitigated through landscape planting. Accordingly, the proposal is considered acceptable in terms of its impact upon existing vegetation on the roundabout subject to replacement planting.

### Landscaping

- 15.16 The planting scheme proposed is to include drought tolerant, low maintenance species. It will be conditioned that no works shall take place until a scheme of hard and soft landscaping is agreed with the Council. This will ensure adequate replacement planting will be implemented in the interests of the visual amenity of the proposal.

### Other

- 15.17 There are no archaeological implications so the proposal does not conflict with the provisions of Policy DP14.
- 15.18 The objection raised in representations about the cost of the project is not a planning issue.

## **16.0 Conclusion**

- 16.1 To summarise, it is not considered there would be any detriment to highway safety and the highway authority have made no objections. The proposal is considered acceptable from a visual amenity point of view in this context. Replacement landscaping is proposed to complement the scheme. Accordingly, the proposal fully accords with the Council's Planning Policies. Objections have been received however these objections can be mitigated through the use of conditions and informatives recommended.

## **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. 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 Drawing Numbers: 948-305 A received 19/7/18, 948/301, 948/302, 948/303, 948/304, 948/306 received 17/4/18.

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

### **3. ZBB – Materials**

The external facing 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.

### **4. ZFE – landscape management plan**

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

### **5. Z00 – Non Standard Condition - Landscape**

No works shall take place until a scheme of hard and soft landscape works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing trees, shrubs and hedgerows on the site, proposed planting, details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of

being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

#### **6. Z00- Non Standard Condition- Illumination**

No development shall take place until the means of illumination of the proposed development has been approved in writing by the Local Planning Authority.

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

#### **7. ZGR - Light Pollution for Minor Development**

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ3 SMALL TOWN CENTRES OR URBAN LOCATIONS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

#### **8. Z00- Non Standard Condition – Construction Method Statement**

No development shall take place, including any ground works or works of site clearance, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. the means or method of protecting the travelling public within the highway throughout the site clearance and construction phases
- vi. a traffic management plan to maintain the free flow of motorised traffic throughout the site clearance and construction phases

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, to protect the travelling public and maintain the free flow of traffic in the Classified Road, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

### **9. Z00 - Non Standard Condition – Licencing**

No development shall take place until the required licencing of the proposed private apparatus in the highway and the structure has been secured by the applicant which shall be approved in writing by the Local Planning Authority.

Reason: To protect and preserve the integrity and fabric of the highway in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

## **18.0 Informatives**

**Informative 1:** The applicant should be advised that the Road Safety Audit and or Safety Audit should accompany any request for licencing of the proposed development.

**Informative 2:** 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) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
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CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### **3. 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.

### **4. ZTA - Informative on Conditions Stating Prior to Commencement**

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. 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' (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.

#### **5. 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.