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## Item No: 7.4

**Application:** 190042

**Applicant:** Mr Kevan Griggs, Colchester Borough Council

**Agent:** Mr David Greene, Colchester Borough Homes

**Proposal:** Installation of drinking water fountain to existing stone wall in area formally known as 'Angels Yard' in Colchester High Street outside 'Bills' restaurant adjacent to Town Hall/West Stockwell Street. Drinking water fountain is of stainless steel construction, 900mm high x 330mm width x 365mm depth to be fixed to existing stone wall & paved ground. Excavations required for connection to water & drainage services associated with redundant 'Uri-Lift'

**Location:** Outside Bill's Restaurant, High Street, Colchester, CO1 1SP

**Ward:** Castle

**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 Borough Council is the applicant.

## **2.0 Synopsis**

- 2.1 The proposal would preserve the character of the Conservation Area and would not have any impact upon the setting of Listed Buildings. There are no archaeological implications and there would not be any impact upon trees/vegetation or upon highway safety.
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The site lies within the High Street and Conservation Area. There are Listed buildings within the vicinity but these are some way from the site.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the installation of drinking water fountain to the existing stone wall in an area formally known as 'Angels Yard' in Colchester High Street outside 'Bills' restaurant. The drinking water fountain is of stainless steel construction, 900mm high x 330mm width x 365mm depth and would be fixed to an existing stone wall and paved ground. Excavations are required for connection to water and drainage services associated with redundant 'Uri-Lift'.

## **5.0 Land Use Allocation**

- 5.1 No allocation

## **6.0 Relevant Planning History**

- 6.1 None relevant

## **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  
SD2 - Delivering Facilities and Infrastructure  
SD3 - Community Facilities  
UR2 - Built Design and Character  
PR2 - People-friendly Streets  
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  
DP14 Historic Environment Assets

- 7.4 No Site Allocations (adopted 2010) policies are applicable to this case.

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

The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Sustainable Construction  
Urban Place Supplement  
Sustainable Drainage Systems Design Guide  
Street Services Delivery Strategy  
Managing Archaeology in Development.  
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 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 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.

Informative1: The applicant should be advised that the Road Safety Audit and or Safety Audit should accompany any request for licencing of the proposed development.

Informative2: 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-Parished.

## **10.0 Representations from Notified Parties**

10.1 None received at the time of writing.

## **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**

### Visual Impact in Conservation Area

- 15.1 The site lies within the Conservation Area and Listed Buildings are in the vicinity but not particularly close to the proposed water fountain. 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. S38(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 policies are CS ENV1 and DPD 14.
- 15.2 Owing to the modest size of the water fountain and its design detailing it is considered that the character of the Conservation Area and street scene would be preserved. There would also be no impact upon the setting of Listed Buildings. Accordingly the proposal meets the requirements of the NPPF in particular 193, 195 and 196. The proposal would also comply with Policy DP14 which aims to preserve the historic environment and with Policy DP1 as the character of the site and townscape is respected.

### Other

- 15.3 There are no archaeological implications and there would not be any impact upon trees/ vegetation or upon highway safety.

## **16.0 Conclusion**

- 16.1 To summarise, the proposal is considered acceptable for the above reasons.

## **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. 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: 0002, 02 A, Drinking Water Fountain Specification and 0005.

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

### **3. Z00- Highway Licensing**

No development shall take place until the required licensing 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 .

### **4. ZBB - Materials as stated in application**

The external 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 The following informatives are also recommended:

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.
- 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.

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/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](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 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.

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.