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Item No: 7.6

Application: 222736

Applicant: Mr Philip Wise

Agent: None

Proposal: Interpretation panel on a post. 1m squared maximum size.

Location: Nero Court, Napier Road, Colchester, CO2 7NR

Ward: New Town & Christ Church

Officer: Simon Grady

Recommendation: Approval of planning permission and advert consent

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is the Colchester and Ipswich Museums Service of Colchester Council.

2.0 Synopsis

- 2.1 The application seeks planning permission and advertisement consent for an interpretation panel on a post to provide information to the public about the Roman Circus. The key issues for consideration are the visual impact it would have on the surrounding area, including the conservation area that the development site is located within and potential harm to archaeology. All relevant issues are assessed in the report below.
- 2.2 Having assessed the application against local and national legislation, policy and guidelines it is considered that the proposed development would not cause substantial visual harm to the conservation area.
- 2.3 The application is subsequently recommended for approval, subject to conditions.

3.0 Site Description and Context

- 3.1 The application site is owned by Taylor Wimpey and the necessary certificate has been served on them by the applicant. The site is a grassed open space between Napier Road to the south and a residential development to the north. Napier Road Car park is to the east.
- 3.2 The site is located in the Abbey Field Conservation Area. There are no protected trees on or adjacent to the site and the site is in flood zone 1. There are no Listed Buildings whose setting could be affected by this proposed development but the building to the north of the site, which is a former Garrison Headquarters building is locally listed .
- 3.3 Given the presence of the Roman Circus, which is a designated Scheduled Monument the site is of high archaeological importance

4.0 Description of the Proposal

- 4.1 The proposed interpretation panel measures 921mm x 674mm (2 different measurements on 2 different drawings – the Description says 1m square max) and would stand 900mm from the ground. The panel is fixed to a post that would be sunk into the ground to a depth of 600mm.

5.0 Land Use Allocation

- 5.1 Residential, within Colchester settlement limits.

6.0 Relevant Planning History

- 6.1 There is no 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:

ENV1 Environment

DM2 Community Facilities

DM5 Tourism, leisure, Culture and Heritage

DM15 Design and Amenity

DM16 Historic Environment

DM18 Provision of Open Space and Recreation Facilities

7.4 The site is not within a Neighborhood Plan area.

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

- The Essex Design Guide
- External Materials in New Developments
- 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. The following stakeholders were consulted:

- Historic England
- Environmental Protection
- Essex Highway Authority
- Historic Buildings and Areas Officer
- Archaeological Advisor

No response from Environmental Protection was received. The responses that were received are set out below.

Historic England

- 8.2 Historic England have no objection to the application on heritage grounds and advise that it would have a negligible impact on the significance of the scheduled monument known as 'Roman Circus 200m south of Abbey House', subject to Archaeological monitoring during construction works. Scheduled Monument Consent has been granted for the erection of the interpretation panel.

Essex Highway Authority

- 8.3 The Highway Authority does not object to the proposals as submitted and asked for an informative to be added to any permission granted asking for any works affecting the highway to be agreed with them first.

Historic Buildings and Areas Officer

- 8.4 "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 Town Centre. The panel would promote the Roman Circus, raise awareness of its significance and enhance its appreciation by the public. Should its erection be regarded to result in a very low level of less than substantial harm to the significance of the Conservation Area through its cumulative effect to street furniture and other features associated to the public realm, this harm would be outweighed by the aforementioned public benefits, to accord with Par.202 of the NPPF which requires that any harm to designated heritage assets should be convincingly justified and outweighed by public benefits, when this harm is classified as less-than-substantial; this requirement is also reflected in Local Plan Policy DM16. For the reasons set out above, there are no objections to the proposal on heritage grounds."

Archaeological Advisor

- 8.5 "This proposed development would involve ground disturbance directly over the remains of Colchester's Roman circus, which is a Scheduled Monument. 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 205), 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."

Officer comment: PCC not yet agreed by applicant

9.0 Parish Council Response

- 9.1 The site is not within a Parish Council area.

10.0 Representations from Notified Parties

10.1 The application resulted in no objections and two comment of support.

11.0 Parking Provision

11.1 Parking provision would be unaffected by this proposal.

12.0 Accessibility

12.1 In considering the application, due regard has been given to the Local Planning Authority's duties under the Equality Act 2010, which legally protects people from discrimination in the workplace and in wider society. Representations received have not identified 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 There was no requirement for this application 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 Paragraph 132 of the National Planning Policy Framework states that: "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts." The main issues in this case are therefore:

- The Principle of Development
- Visual Impact on the Surrounding Area (including conservation area)
- Amenity
- Public Safety
- Archaeology & impact on Scheduled Monument

Principle of Development/advertisement

- 16.2 The principle of erecting interpretation boards at key points of interest in Colchester is established. This board would provide members of the public access to information about the Roman Circus that they may not have otherwise seen.

Visual Impact on the Surrounding Area

- 16.3 The application site is inside Colchester's Conservation Area 2 and 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. In addition, 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. Local Plan Policy DM16 states that *"Development that will lead to substantial harm to or total loss of significance of a listed building, conservation area, historic park or garden or important archaeological remains (including development that adversely affects the setting of heritage assets) will only be permitted in exceptional circumstances where the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal."*
- 16.4 Due to its scale the interpretation board would not be visually dominant. Consequently it is considered that it would not have an adverse impact on the historic significance of the conservation area and that it meets the requirements of the relevant legislation, the National Planning Policy Framework and the relevant local plan policies in respect of protecting heritage assets (outlined above). This is an opinion shared by the Council's conservation officer.
- 16.5 The proposed interpretation board is considered acceptable in this location in terms of its form, design, colour, size and use of materials. The proposed signs would therefore not be out of keeping with the character of the building it is located on and would not harm the visual amenity of the area.

Amenity

- 16.6 The interpretation board would not be illuminated and so there are no concerns that the nearby dwellings would be impacted by light pollution. Given that this proposal is for a modestly sized interpretation board, it is felt that it would have no impact on neighbour amenity.

Public Safety

- 16.7 There are street lights close to the development site and so the development site should be well lit at all times. There are no concerns that the interpretation board would be a potential trip hazard in the dark. Consequently, there are no

concerns that the proposed adverts pose a risk to public safety. There would be no dangerous protrusions and the signage is unlikely to be so distracting as to create a risk to public safety. The proposed panel is set back from the highway so is not considered to have an adverse impact on the highway safety. This has been confirmed by the Highway Authority, subject to addition of Highway Authority Informative.

Archaeology

16.8 Following feedback from the Council's Archaeology Adviser and Historic England, there are no concerns, subject to addition of pre-commencement archaeological monitoring condition.

17.0 Planning Balance and Conclusion

17.1 To summarise, the proposed interpretation panel is acceptable in design terms, including taking into account the site's location in a conservation area. The level of harm to neighbour amenity is not considered to be material or unacceptable. No objections have been received and it is felt that the proposal accords with the Council's policy requirements including Policy SP7, DM15 and DM16.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of Advertisement Consent and planning permission subject to the following conditions:

Advert Consent:

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.

Planning Permission:

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 Site Location Plan,

Site Details and Drawing Number DLB/CBC/pedestal/001.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Z00 – 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 of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.
- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

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 Colchester Local Plan 2017-2033 policy DM16 and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

19.1 Informatives

19.1 The following informatives are also recommended:

1. INS – Archaeology Informative

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk>

2. INS – 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.

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 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 City Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.