



The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

Item No: 7.5

Application: 221639

Applicant: Mrs Jane Thompson

Proposal: 4 x corten steel planters containing trees to be located on the footway/walkway outside Century House, North Station Road.

Location: Century House, North Station Road, Colchester, CO1 1RE

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 applicant is Colchester Borough Council. The application has also been called in by Cllr Coacher who has noted concerns raised by residents “about the detrimental visual look of rusty coloured metal planters. Concerns that trees in planters are stunted and of limited ecological value. Fears from residents that this is greenwashing and a poor substitute for restoring proper street trees that once lined the area.”

2.0 Synopsis

- 2.1 The key issues for consideration are the impact upon the character of the Conservation Area and streetscene and consideration of any issues relating to highway safety, residential amenity and the environment.
- 2.2 The application is subsequently recommended for approval. The proposal is considered to have a positive impact upon the character of the Conservation Area and streetscene, would not be detrimental to highway safety or residential amenity and would have positive environmental benefits. It would therefore accord with adopted Local Plan policies and the NPPF.

3.0 Site Description and Context

- 3.1 The site lies within the Conservation Area and is part of the public highway for pedestrians that lies in front of a relatively modern building known as Century House.

4.0 Description of the Proposal

- 4.1 The proposal is for the positioning of 4 planters in front of Century House. The planters would be constructed of corten steel and would be 1.2 metres wide and 1 metre in height. It is proposed to include the elephant motif in the design.

- 4.2 The options put forward for the trees are as follows:

- *Betula jacumontii* - West Himalayan birch
- *Corylus colurna* - Turkish hazel (with attractive cat-kins)
- *Alnus cordata/incana* - Italian alder/Grey alder (with attractive cat-kins)

- 4.3 In respect of the tree type the agent states:

“Added benefits are that they are all hardy, pollution tolerant and can contribute to air quality pollution control. The final decision on the tree to be installed will be taken by the Borough Councils tree adviser.

The trees will be root ball or container grown and not bare root. The trees will be large, initially 3 - 4m in height and multi-stemmed, which helps maintain the tree if they are vandalised. Trees will need to be vandal resistant and it is not intended to using stakes.”

- 4.4 The agent has explained that the reason for choosing planters is as follows:
“Trees planted into the ground is preferred due to ongoing watering/maintenance issues. However permissions for planting into the ground can be time consuming/problematic due to permissions required and buried services etc.”

5.0 Land Use Allocation

- 5.1 Town limits

6.0 Relevant Planning History

- 6.1 None of recent relevance.

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 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

- 7.3 Section 2 of Colchester Borough Local Plan 2017-2033 has also been adopted:

Policies relevant to this application include:

ENV1 Environment
ENV3 Green Infrastructure
ENV5 Pollution and Contaminated Land
CC1 Climate Change
DM15 Design and Amenity
DM16 Historic Environment
DM21 Sustainable Access to development
DM22 Parking

- 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
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.

- 8.2 Cllr Mark Coacher has called in the application and states:

Reason for comment: Object to the proposal.

Comment: Trees in planters have limited growth and are of limited ecological value. The metal planters often look rusty and ugly. The removal of mature trees outside the Mercury Theatre to be replaced with little ones in planters amounted to greenwashing. North Station Road once had proper trees situated on it and it would be good to see them replaced rather than stunted tiny trees in planters.

Concern from residents about the detrimental visual look of rusty coloured metal planters. Concerns that trees in planters are stunted and of limited ecological value. Fears from residents that this is greenwashing and a poor substitute for restoring proper street trees that once lined the area.

- 8.3 Conservation Officer recommends approval and states (slightly precisised):

1.0_Heritage Asset: Summary Of Significance

The site is within Colchester Conservation Area 4 and adjacent to several listed buildings, the closest being 25 and 27 North Station Road.

3.0_Relevant Statutory Duties

Planning (Listed Buildings and Conservation Areas) Act 1990, sections 66(1) and 72(1)

4.0_Analysis of Impact Upon Heritage

This is a very prominent street in the town because it is on the main walking route from the railway station to the town centre. It has a number of very attractive features and buildings, but is unfortunately let down by some negative buildings and a generally rather run-down appearance, an issue shared by several other major routes into the town centre. The area used to benefit from a number of street trees, which were an attractive feature and contributed a more intimate residential character to the street, which is rather wide for the

scale of many of the buildings. Sadly only a few street trees remain and the gaps where they have been lost can sometimes appear somewhat bleak and urban, highlighting the lack of maintenance of some buildings and the disproportionately large scale of others.

Any move to reinstate street trees in this location is to be encouraged. It is disappointing that the ones currently proposed would be semi-temporary, in planters rather than planted into the ground, but it is to be hoped that should these be successful then a more permanent scheme might be considered in the future.

The location proposed, outside Century House has particularly wide pavements, and the building itself is too large to suit the character of the conservation area. Trees here would soften both these unwelcome features and would enhance the street-scape in a place where this is sorely needed. While the planters proposed would limit the softening effect, it is still considered that the impact would be positive and would have a positive impact on the character of the conservation area, and for this reason I am happy to support the proposal.

6.0 Conclusions & Recommended Actions

Recommend approval on the grounds that the proposed trees would enhance the character of the conservation area in a location where there is considerable scope for enhancement.

8.4 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:

No works shall take place within the highway until such time as the necessary licencing from Essex County Council 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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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.

8.5 Landscape officer: "No landscape objections."

8.6 Colchester Civic Society state: "Make a general observation. Comment: The Civic Society welcomes the reintroduction of trees again into the streetscape of North Station Road.

Many people can remember trees growing here in the pavement within recent times and we are very much of the opinion that the planters do not balance the already existing trees on the same site.

We can appreciate the argument for movable planters in other sites on the road to reintroduce trees but we are unconvinced of the choice of corten steel in this conservation area if this policy is to be pursued. We would then welcome a more heritage approach in choice.

We would further contend that this is a road that would benefit from the removal of street furniture rather than adding to it.

We would contend that trees grow best in the natural ground than in an artificial provision and a local care scheme can be successful in ensuring survival.”

8.7 Environmental Protection have “no comments”.

9.0 Parish Council Response

9.1 Non-Parished.

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 3 letters of objection have been received which make the following points:

- Quickly dry out without frequent watering. Who responsible?
- Sound temporary. Where is long term investment?
- Existing 5 trees need care.
- If planters the only option why not in more strategic locations?
- Whole of North Station Rd could do with improving.
- In favour of trees in the street scene BUT NOT when they are in rust-bucket looking containers! Ugly.
- Witness those in front of the Mercury Theatre – a Conservation Area and next to a Scheduled Ancient Monument. They are a visual outrage.
- North Station Road is also a Conservation Area.
- There used to be several trees along this side of North Station Road, but over the years most have been “lost”. Suggest that the sites of the “lost” trees in front of Century House have new trees planted BUT without putting them in ugly rust-bucket looking containers.
- Trees YES – containers NO.
- Request that the Application be Refused.

11.0 Parking Provision

11.1 N/A

12.0 Accessibility

- 12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DM21 (Sustainable Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

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

The Principle of Development

- 16.1 The most significant planning issues are the design and form of the proposed development, in particular the impact upon the character of the Conservation Area and street scene. Any highway implications also need to be considered.

Design, Form and impact upon Conservation Area and street scene.

- 16.2 In considering the design and layout of the proposal, Policy SP 7 Place Shaping Principles states all new development must meet high standards of urban and architectural design. Policy DM15 has similar provisions. 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. Policy DM16 aims to preserve the character of Conservation Areas.
- 16.3 In addition, as the site is within the Conservation Area 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. Paragraph 199 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 200, 201 and 202 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.

- 16.4 It is considered that the proposed works, involving the four planters with trees would have a positive visual impact upon the character of this part of the Conservation Area and thus no harm. As pointed out by the Conservation officer, this is a very prominent street in the town and the area used to benefit from a number of street trees, which were an attractive feature and contributed a more intimate residential character to the street, which is rather wide for the scale of many of the buildings. Only a few street trees remain and it is considered that the gaps where they have been lost can appear somewhat bleak and urban, highlighting the lack of maintenance of some buildings and the disproportionately large scale of others.
- 16.5 Accordingly it is considered that any move to reinstate street trees in this location would be visually beneficial. Whilst it would be preferable to have the trees planted in the ground rather than in planters, there are serious logistical problems with planting in the ground including the relevant permissions required and potential impact upon underground services. Accordingly the use of planters for the trees is considered to be the next best option at this stage.
- 16.6 As concluded by the Conservation officer, the location proposed, outside Century House has particularly wide pavements, and the building itself is too large to suit the character of the conservation area. The trees in the planters here would soften both these unwelcome features and would enhance the street-scape in this location. While the modern Corten steel planters (as used for High Street elephants) proposed would limit the softening effect, it is still considered that the impact would be positive and would have a positive impact on the character of the conservation area. The objectors' comments about the design and material of the planters is noted. However, overall in this context they are considered appropriate, especially when combined with the provision of the trees and would provide a net overall visual benefit to the area. It should be noted that there is a Listed Building off set on the opposite side of the road and one further down the road on the same side but the proposal is not considered to have any significant impact upon their respective settings.
- 16.7 Overall, it is therefore considered that the proposal meets the requirements of the NPPF in particular paras 197, 199-202. The proposal would comply with adopted Local Plan Policies SP7 (Place Shaping Principles) & DM15 (Design) as the proposal respects the character of the site and its surroundings. The proposal would also 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.

Environmental and Carbon Implications

- 16.8 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that, on balance, the application can contribute to achieving sustainable development. The site is considered to be in a sustainable location.

Other Issues

- 16.9 Finally, in terms of other planning considerations, the proposed development does not raise any concerns. The County Highway Authority has raised no objections and there will be highway safety issues although a licence will be required from the Highway Authority and its provisions will need to be met. There will still be a substantial and adequate footpath width retained and it is not considered the planters will cause an unacceptable obstruction, including to the visually impaired. The planters will also be far enough from the road to avoid obstruction in that respect.
- 16.10 It is not considered there would be any impact upon neighbouring residential amenity. Inevitably the planting of trees has a benefit in terms of provision of green infrastructure, pollution and climate change (Policies ENV1 Environment, ENV3 Green Infrastructure, ENV5 Pollution and Contaminated Land and CC1 Climate Change.)

17.0 Conclusion

- 17.1 To summarise, the proposal is considered to have a positive impact upon the character of the Conservation Area and streetscene, would not be detrimental to highway safety or residential amenity and would have positive environmental benefits. It would therefore accord with adopted Local Plan policies and the NPPF.

18.0 Recommendation to the Committee

18.1 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 in Accordance with Approved Development

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 1:500 Block Plan, 1:2500 Location Plan Rec'd 20.7.22 , L1200 W1200H100-ASSY Rec'd 11.7.22

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

3. ZBB - Materials as Submitted

The material to be used for the planters shall be that specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Non Standard Condition - Highways

No works shall take place within the highway until such time as the necessary licencing from Essex County Council has been received by the applicant and all necessary conditions / requirements of that licence have been complied with, the details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the works.

Reason: To protect the highway user and the integrity and fabric of the highway in the interests of highway safety.

19.0 Informatives

1. 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.

2. 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.