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**Item No:** 7.3

**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:** Authority to Approve subject to receipt of satisfactory revised drawings (rounded edges) and a satisfactory Health and Safety assessment.

At the Planning Committee of 22<sup>nd</sup> September the proposal was Approved subject to submission of a circular planter design and re-consultation with neighbours (including traders and CO1 Residents Association) - Delegated to officers.

It should be noted that subsequently the applicant has confirmed that if the planters are altered to be circular, costs will increase and also that the County Council would start the licensing process again, resulting in considerable delay. Accordingly the proposal is returned to the Committee for consideration.

## **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.
- 2.3 In addition the applicant has indicated that the edges of the planter can be softened with rounded curved elements. Details of such alterations are awaited and will be reported to the Committee. This should help overcome the safety concerns as raised at the previous Committee.

## **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 jaquimontii* - 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.”

4.5 In support of the application the agent has submitted the following further information:

- **Fixing the Link:** The application is to re- introducing 4 trees with planters and is part of the second phase of the Fixing the Link project. Old photographs show sections of North Station Road as a tree-lined avenue, most which have been lost over the years. This proposal will help to reinstate the line of trees on the eastern side of the road, greening and helping to improve this area.
- Fixing the Link (FTL) is a joint initiative involving the borough and county council and Greater Anglia the rail operator. The FTL aim is to improve the link between the rail station and the town centre by installing better wayfinding and various enhancements along the route to welcome visitors to Colchester, and encourage them to walk the route.
- The phase 1 included wayfinding signage within the station underpass, the yellow flags showing the walk time, planters, Corten steel elephant at the station and in the town centre to direct visitors to and from the station, bronze historical information plaques, as well as a seating area at Middleborough and lighting the St Peters Church.
- Funding was made available for the project from New Homes Bonus, ECC and Greater Anglia the rail operator. Following the success of phase 1 phase 2 has been planned and includes this proposal to reintroducing trees in North Station Road.
- Further measures are also proposed as part of Fixing phase 2, including a drought planting and lighting scheme on the Albert roundabout, improving the North Bridge and reducing unnecessary street signage etc.

- **In planters or in ground:** Consideration has been given to the possibility of either locating the trees in the ground or within moveable planters. Trees planted into the ground is preferred due to ongoing watering/maintenance issues, however ECC indicate that permissions for planting into the ground could be problematic due to the many buried services in this area.
- Also ECC are currently working on plans for walking and cycling improvements as part of the Colchester Active Travel schemes. For this reason, ECC would prefer trees in planters so that the trees can be moved if required, as part of the Active Travel works.
- Moveable planters will mean trees can be installed in locations in North Station Road later this year, and when development opportunities arise, or any new highway layout is proposed, trees in the ground could be proposed. This will mean that the planters and trees could be relocated to another location.
- **Design and Conservation Area:** Consideration has also been given to the type of planter suitable for the Conservation Area. Corten Steel is the material used, and is part of the Fixing the Link style, used in the Albert planter as well as the elephants at the station and in the High Street.
- The company who supplied the Corten steel planter at the Albert Pub have been asked to produce the planters for the trees. It is proposed to include the elephant motif in the design to continue the Fixing the Link identity. The Borough Council's tree advisers have stated 1.2m square planters are provided and height of 1m to allow enough root space for the trees to thrive.
- **The Locations:** Various sites were considered and following discussions with CBC's Conservation Officer a shortlist of 9 locations was proposed. All of the locations are within highway land. Due to sightline issues and following discussions with ECC, the location of four trees outside Century House, north of the river and south of the existing trees were agreed.
- In discussions with ECC, they felt the planters should be located on the tarmac area of the footway to continue the line with the existing trees. The tarmac area of footway is 2.8m wide and is abutted by paved area which is a further 4-5m wide. The planters will reduce the tarmac area of footway to around 1.6m however there is still ample space for people to walk through or stop and browse the shops. If the locations of the planters proved problematic, then they can be easily moved.
- **Funding and Costs:** Funding is available from the partners to purchase and install the 4 trees and their planters. Funds will also be set aside for ongoing watering and maintenance regime. This funding will disappear if not spent this year, and it is unlikely that ECC will give permission for trees in the ground at this moment in time.
- We do aspire to plant more trees – preferably in the ground and we will consider this if further funding or development opportunities arise.
- Costs – very approximate for 4 trees and planters:

- Planning application - **£464**
- Licence – no cost
- Planter 4x £1,300 each = **£5,350**
- Deliver each planter to its site location - **£1,560**
- Trees around £250 each x 4 = **£1,000**
- Planting and topsoil £500 each x 4 = **£2,000**
- Total pruning, watering and weeding 4 trees x 5 years = **£ 3,000**
- Pruning - 1 hour tree maintenance per year at £10 per hour. Therefore suggests the cost for us to maintain the 4 trees over the next 5 years would be: 4 x £10 (per hour) x 5 years = £200.
- Watering - the total watering costs for these 4 trees over a period of 5 years will be £ 2,640.00.
- Weeding - To weed one planter will cost £2.2984 per year If soil area is 1m2. Eight occasions in the summer and one in the winter. Weeding £2.30 x 4 trees x 9 occasions = £82.80
- Total costs - £13,374

## 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](mailto: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.

10.3 The agent has undertaken a re-consultation/liaison with the following and any views received will be reported to the Committee: Traders within Century House, Soormally's (major business owners in North Station Road), Residents' Association, Colchester civic Society.

## **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 and safety issues also need to be considered. As outlined in the applicant’s supporting statement, the proposal is to help fix the link from the railway station to the Town Centre.

### 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 overscaled 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.

#### Health and Safety

- 16.8 At the Planning Committee on 22<sup>nd</sup> September, concerns were raised by Councillors about children in particular being injured on the edges of the containers. The agent has stated that "the issue of rounding the edges of the planters has been agreed. It must be borne in mind that the road is lit and a 1.2m square planter will be hard not to spot so less likely to be a safety issue than smaller street furniture." Any revised drawings received showing the rounded edges will be reported to the Committee. A Health and Safety assessment is also being undertaken and the conclusions reached will also be reported to the Committee.
- 16.9 It is considered that the rounding of the edges would be likely to address the safety concerns but the Committee will be updated on this issue at the meeting. Policy DM15 is applicable in this respect which provides that all development should "(vi) Create a safe, resilient and secure environment..."

#### Environmental and Carbon Implications

- 16.10 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

- 16.11 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.
- 16.12 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.
- 17.2 The revisions to the containers involving rounding of the edges and the conclusions of the Health and Safety assessment will be reported to the Committee.

### **18.0 Recommendation to the Committee**

- 18.1 The Officer recommendation to the Committee is for:

Authority to APPROVE planning permission subject to submission of satisfactorily revised drawings and a satisfactory Health and Safety assessments, and 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 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. To be revised where appropriate.

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](mailto: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.