

PLANNING COMMITTEE

20 October 2022

<i>Present:-</i>	Councillors Barton (Vice Chair), Chapman, Chuah, J. MacLean, S.McLean, Mannion, McCarthy, Kirkby-Taylor, Tate, and Warnes
<i>Substitute Member:-</i>	Councillor S. McLean substituted for Councillor Lilley Councillor Kirkby-Taylor substituted for Councillor Nissen
<i>Also in Attendance:-</i>	

949. Minutes

The Minutes of the meeting held on the 9 September 2022 were confirmed as a true record.

950. 213315 West Mersea Floating Pontoon, Coast Road, West Mersea, Colchester

The Committee considered an application for erosion control works on the pontoon. The application was referred to the Planning Committee as the Applicant was Colchester Borough Council.

The Committee had before it a report and amendment sheet in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions and informatives set out in the report.

951. 220739 24 Ken Cooke Court, East Stockwell Street, Colchester, Essex, CO1 1FF

Councillor Kirkby-Taylor (in respect of his wife being an officer of the Council and authoring a consultation response in the papers) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the erection of a 1.37m fence and pedestrian gate to enclose a garden area for the exclusive use of the tenant of the ground floor flat at 24 Ken Cooke Court. The application was referred to the Planning Committee as the Applicant was Colchester Borough Homes.

The Committee had before it a report in which all information was set out.

Hayleigh Parker-Haines, Planning Officer, presented the report to the Committee and assisted the Committee in its deliberations. The Committee were shown the location of the proposal before the Committee and asked Members to note the photographs of the site which showed the surrounding area and the fence. The Committee were signposted to 12.1 and 17.2 of the report which described that the Occupier had protected characteristics as outlined in the Equalities Act 2010 and that this required that the Council take these into consideration when making a decision. The Planning Officer concluded that the officer recommendation was for approval and drew the Committee's attention to condition 7 which outlined that following the end of the named occupant's tenancy the fence would be removed and the land would be reinstated as part of the communal area.

Dimitri Murray addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition. The Committee heard that the civic society had commented on the proposals before Members and had objected. The Speaker questioned how the land had been used by a previous tenant as well as Colchester Borough Homes' management of the area and queried why no consultation had been undertaken. The Speaker commented that the applicant was using the Equalities Act 2010 to cover up their failings and that there were issues regarding the trees in the immediate vicinity.

The Planning Officer responded to the points raised by the speaker and confirmed that they could not answer or speak on behalf of Colchester Borough Homes or any issues related to the applicants internal workings. The Planning Officer confirmed that an Equalities Impact Assessment had been undertaken as required by the Equalities Act 2010 and that the Permitted Development Rights on the site had been removed. It was further noted that consultation had been undertaken with the Councils Arboricultural Officer and confirmed that the maintenance to the tree, noted as being of significant amenity value, would not be affected by the fence and that as detailed under 16.4 in the report that it appeared that the fence had not disturbed the roots or the stability of the tree.

RESOLVED (SEVEN voted FOR and THREE voted AGAINST) that the application be approved subject to the conditions and informatives set out in the report.

952. 221639 Century House, North Station Road, Colchester, CO1 1RE

Councillor Kirkby-Taylor (in respect of his wife being an officer of the Council and authoring a consultation response in the papers) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for 4 x corten steel planters containing trees to be located on the footway/ walkway outside Century House, North Station Road. The application was referred to the Planning Committee as Colchester Borough Council was the applicant.

The application had previously been deferred from the Planning Committee meeting on the 22 September 2022 for the reasons as follows:

- That the planters are made as a circular planter design
- That consultation with neighbours, including traders and the CO1 Residents Association is undertaken.

The Committee had before it a report in which all information was set out together with

additional information on the Amendment Sheet.

Chris Harden, Senior Planning Officer, presented the report to the Committee and assisted the Committee in its deliberations. The Committee heard that the proposal before Members had been brought back to the Committee as the planters could not be made as a circular design and that the designs had been amended so that the planters would be square but with rounded corners. The Senior Planning Officer advised Members that a request had been made for the plans detailing this but that they had not been provided. It was proposed in the officer recommendation that planning permission would be granted subject to the submission of satisfactorily revised drawings and a satisfactory Health and Safety assessments.

Anna Bolton, of the CO1 Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition. The Committee heard that the Council and the Planning team were in agreement that attention should be given to the historic city centre and its trees. Speaker outlined that a Councillor had commented that this was the best that could be done however they elaborated that this was not joined up thinking with the proposal before the Committee not being the best use of public funds. The speaker considered that the design of the planters was subjective and that there was a lack of commitment to improvement in the area. Additionally concern was raised as to the cost of the proposal and its vagueness as detailed within the Committee report, the reasons why the money had to be spent and what other considerations and locations had been considered with Essex County Council. The speaker concluded by asking that the impact of the proposal looked into and that the community were tired of and not happy with the approach taken asking for common sense to be used.

Jane Thompson, Applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the proposal. The Committee heard that consideration had been given to the proposal but that the trees could not be planted directly into the ground, that Essex County Council had advised against other proposed areas and that the planters allowed them to be easily moved when needed. The Applicant outlined that the planters were in-keeping with the style around the town and that following consultation there was support for the proposal from occupiers at Century House and the Civic Society. It was noted that there was a long-term aspiration with the proposal and that in reference to the shape of the planters there had been no issues with the triangle shaped planters outside the Mercury Theatre.

The Democratic Services Officer read out the statement below from Councillor Mark Goacher who was unable to attend the meeting. The statement read as follows:

"Apologies that I cannot be here in person this evening due to being a full time teacher and having to help manage and open evening at Colchester Sixth Form College. I'd like to object to the proposal (item 7.3, proposal 221639) to place four steel planters on the pavement outside Century House. I called in the original application after a number of residents raised the issue with me. While street trees are a great way to enhance an area and mitigate air pollution, this particular proposal falls short. The rusty metal planters are visually unattractive and have been described as 'rust buckets' by residents when they have been placed elsewhere. Moreover, trees in planters do not grow to full height and end up stunted and of limited ecological value. This therefore is a poor substitute for proper street trees and would make it more difficult to genuinely green the area with full size trees. Spending that amount of money can only be justified if the trees are visually attractive and of full ecological value. The metal planters prevent this. There is no point in attempting to 'green' an area by half-measures that are nonetheless costly. Let's do it properly."

The Senior Planning Officer responded to the points that had been made by the speakers confirming that the proposed costs of the proposal couldn't realistically be any further detailed due to the current fluctuation in prices of materials and goods. The Senior Planning Officer elaborated that the proposal was brought forward with the funding that was available but could not provide any further details on this and that although the proposal was within the conservation area but it was the opinion of officers that the benefits outweighed the harm of the proposal. It was confirmed that the location of the planters was not something that the committee could change in the application and that the detailed drawings had yet to be received and were detailed in the delegated decision proposed by officers. It was noted that the design of the planters was not favoured by all but confirmed that they were being constructed with a high-quality material. The Senior Planning Officer concluded that the proposal would have limited ecological value and that the trees would not grow to full size compared to being planted in the ground.

The Chair reminded the Committee the of the reasons that the application had been deferred and outlined that Members should bear this in mind.

The debate opened with some Members raising concern that they could not view the full detailed plans of the planters before making a decision, that the money could be better spent, and that the trees could not be planted directly into the ground.

The Development Manager advised the Committee that as the proposal was in a conservation zone and that Members could not consider alternative locations for the proposal.

Members of the Committee continued to debate the application with some Members expressing support for the proposal and its enhancement of the area.

RESOLVED (FIVE voted FOR and FOUR voted AGAINST with ONE ABSTENTION) that the application be approved subject to the conditions and informatives set out in the report subject to the additional condition as follows:

- Condition requiring approval of detailed planter design, including rounded edges, prior to installation with delegation given to the Development Manager to Agree details.