

**PLANNING COMMITTEE  
31 JANUARY 2013**

*Present :-* Councillor Theresa Higgins (Chairman)  
Councillors Nick Barlow, Nigel Chapman,  
Peter Chillingworth, Helen Chuah, John Elliott,  
Sonia Lewis, Cyril Liddy, Jackie Maclean, Nigel Offen,  
Philip Oxford and Laura Sykes

*Substitute Member :-* Councillor Dave Harris for Councillor Stephen Ford

*Also in Attendance :-* Councillor Jo Hayes

**82. Minutes**

The minutes of the meeting held on 13 December 2012 were confirmed as a correct record.

**83. 122189 Kyloe, Penlan Hall Lane, Fordham.**

**Councillor Chillingworth (in respect of being the applicant's agriculture landlord) declared a pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(12).**

The Committee considered an application to retain a timber frame pole barn as built. The application was referred to the Committee because Councillor Chillingworth had been identified on the Certificate of Ownership as having owned part of the land 21 days before the application was made. The Committee had before it a report in which all information was set out.

The Planning Officers recommendation was to 'Approve without conditions', and Mr. Carl Allen, Planning Officer, attended to assist the Committee in its deliberations.

*RESOLVED (UNANIMOUSLY)* that the Committee approved the application without conditions.

**84. 122181 Leisure Centre, Cowdray Avenue, Colchester**

The Committee considered an application that proposed the variation/removal of Condition 4 of the planning permission granted on 6 November 2012. This change would ensure an appropriate visual amenity in the local area. The Committee had before it a report in which all information was set out.

Mr. Dave Whybrow (Principal Planning Officer), Mr. Liam McKarry (Arboricultural Planning Officer) and Mr. Andrew Tyrrell (Planning Manager) attended to assist the Committee in its deliberations.

Councillor Jo Hayes, Castle Ward, attended and, with the consent of the Chairman,

addressed the Committee. She said tree and shrub planting had already been approved and felt sure that this will improve the area landscape. She said one of the Council's strategic objectives is for the Borough to become cleaner and greener and to this end, the Council's policy was to encourage tree planting. She believed in planting trees in this area there will be a fear of tree vandalism, but felt this was not a reason not to plant them, and suggested they could be protected by tall metal guards like the ones she had observed in similar paved areas in Germany. Councillor Hayes said many of her ward residents ask for more trees to be planted and she believed they would prefer trees and shrubs in an area that would provide summer shade in the new café area, be open and inviting rather than bare and brutal.

Mr. Liam McKarry, Arboricultural Planning Officer said vandalism was the biggest single reason for the loss of trees in the UK, and when broken trees are continually replaced year on year, the cost of replacement does become significant. Mr. McKarry said tall metal guards are used in some locations in the UK, but do themselves cause problems, harbouring litter and the need to replace guards being absorbed by the growing trees.

Mr. Whybrow said officers are of the view that without the two trees it would not have a detrimental effect to the overall setting.

Councillor Barlow said it was not good practice for the Council to change the previously approved conditions and runs the risk of setting a precedent for other applicants. For this reason alone Councillor Barlow was not happy to approve the decision.

Councillor Chillingworth said the current planting in the area is significant and very noticeable at the moment due to extensive evergreen planting. Councillor Chillingworth was concerned that the trees would be planted too close to the building and that trees planted into the paved area may suffer due to the poor drainage. Whilst Councillor Chillingworth agreed with many of the points raised by Councillor Hayes he was still of the opinion that there were no planning reasons not to approve the application.

Councillor Offen said tree routes often lift the paving or tarmac around the tree and creates issues regarding safety. Councillor Offen was against the additional planting that he believed will cause problems in the future.

Councillor Laura Sykes suggested that tall planters may provide the planting and colour that such a bare area would benefit from.

Mr. Andrew Tyrrell, Planning Manager explained that whilst some applicants may take advantage of the ability to resubmit applications with a view to change conditions, most applications to vary details are genuine requests to make changes for reasons that only come to light closer to construction phases. In this case, it would have been better if the tree planting condition had not been part of the original application as the trees would cause problems with the hard paving and were not necessary to make the application acceptable. Mr. Tyrrell said the area being discussed was Council owned and there are other ways that the landscape could be improved by the Council outside of planning should this be deemed fit.

*RESOLVED* (ELEVEN voted FOR, ONE voted AGAINST and ONE abstained) that the Committee approved the removal of Condition 4 and omission of soft landscaping in the approach to the main Leisure Centre entrance

**85. Changes to the deadline for comments being included on the Amendment Sheet for the Planning Committee**

The Committee considered a report that set out the proposed changes to the reporting of late comments received on planning applications via the amendment sheet process, by moving the deadline for comments included on the amendment sheet forwards by 24 hours so that members of the Committee can receive a single amendment sheet the day before the committee meeting, and any comments received after that time would be reported verbally as part of the case officer's presentation if the item was discussed at the meeting.

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

Mr. Andrew Tyrrell, Planning Manager, attended to assist the Committee in its deliberations.

Councillor Chillingworth said it was important that the proposed changes to the reporting of late comments were introduced. He said it was unreasonable for applicants and objectors to attend meetings only to find something had changed, and to provide more notice was the right thing to do.

Councillor Lewis was concerned that if an item was voted en-bloc Members may not be aware of later changes because they would not be reported verbally unless the item was called out by the Committee.

In response to Councillor Lewis, Mr. Tyrrell said any late amendments could be recorded and brought to the Chairman's attention at the Chairman's briefing, and officers then provide a verbal update to Committee members before the start of the meeting and prior to any en-bloc vote.

*RESOLVED* (UNANIMOUSLY) that the Committee approved the proposed changes to the reporting of late comments received on planning applications via the amendment sheet process with the addition that officers verbally update the member before any en-bloc vote occurs.