

# Planning Committee

## Thursday, 03 February 2022

**Attendees:** Councillor Helen Chuah, Councillor Robert Davidson, Councillor Pauline Hazell, Councillor Michael Lilley, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Martyn Warnes

**Apologies:** Councillor Lyn Barton, Councillor Beverley Oxford

**Substitutes:** Councillor Sam McCarthy (for Councillor Lyn Barton), Councillor Gerard Oxford (for Councillor Beverley Oxford)

### 896 Minutes of Previous Meeting

The Minutes of the meetings held on the 12 December 2021 and 6 January 2022 were confirmed as a correct record. Councillor Warnes noted that on application 212804 heard on the 9 December 2021 he should have declared a non-pecuniary interest as a Director of Colchester Commercial Holdings Limited when the application was being discussed.

### 897 213018 133 Straight Road, Colchester, CO3 9DE

The Committee considered an application for construction of a detached double garage to serve an approved single storey dwelling together with a storage area for recycle material and waste (Household). The application was referred to the Planning Committee because it was called in by Councillor Buston who had concerns that the proposal “contravenes policies DP1 Design and Amenity, DP12 Dwelling Standards and DP19 Parking Standards (including Design and Good practice). The main house is set back from public view, so the difference in materials to those already in existence in the area can be overlooked. However, extending this to an area in public view means its design and materials do not relate to the existing surrounding context of development.”

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

Chris Harden, Senior Planning Officer, presented the report and assisted the Committee in its deliberations. A presentation was given of the site outlining the red line boundary of the area, the space that vehicles would have to manoeuvre on site and the design and proposed materials that would be used for the construction of the garage. The Committee heard that the access to the site had been secured under the application for the dwelling and the proposed site area had permission as a parking area as hard surfacing. The presentation showed that there was a Tree Preservation Order on the other side of the previously approved dwelling and that the Leylandii was not considered to be of value to be preserved. The Senior Planning Officer outlined that the proposal was considered to be scaled to its surroundings, would not be obtrusive in its current environment, and that no objections had been received from Essex County Council's Highways Department regarding the length and width of the proposal including the storage inside the garage. The Senior Planning Officer concluded that there would not be a significant impact on residential amenity or a loss

of light and that the recommendation was for approval as detailed in the Committee report.

Tracy McCloskey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in objection to the application. The Committee heard that this was the fourth separate application on this site within two years and that each time the footprint of the building had increased and that the proposed dimensions of the building questioned what the functionality would be based upon the internal dimensions of that proposed and the speaker's double garage with it being 2.5m to 3m wider. The speaker directed Members attention to the Essex County Council Parking Standards and the minimum space requirements being 7m by 3m and raised concern regarding the height of the proposals being 1-2 m higher than the fence line, that point 16.6 of the report outlined how the development would become car dominated as there was space for further parking but that this could lead to turning and manoeuvring issues and would also create a car dominated environment on the site and along the access. The Committee heard that there was concern that the bin storage area was beyond the 25m drag distance to the public highway and how the proposal related to the Essex design guide and how there was inconsistent decision-making taking place. The speaker concluded that the application contravened policies DP1, DP12, DP19 and Essex County Council's parking standards: Design and good practice and asked that all works on site be limited to weekdays only to protect local residents.

With the permission of the Chair Councillor Roger Buston attended and addressed the Committee. The Committee heard how the site had evolved through previous applications and the view of local residents was that the original permission on site should have been refused. The speaker echoed the comments of the Objector and commented on the flat 1 storey building and how it was not in-keeping with the surrounding environment. There was a large amount of concern with the extremely narrow entrance to the site and its impact with every vehicle movement passing by the window of the neighbouring property. The Committee also heard that the road leading to the site was unadopted and any increase in use would be inappropriate and that it would be very difficult for the future occupiers of the property.

At the request of the Chair the Senior Planning Officer responded to the points raised by the public speakers. The Committee heard the officer's professional opinion that the single storey garage would not have a significant impact and reiterated that the Highways Authority were content with the proposal's width and length and that the proposal did not change the distance that the refuse would have to travel as the main dwelling was in the same place. The Officer added that they did not believe that the proposal contravened the Council's policies or parking standards and that if Members were minded to approve the application the construction times could be amended to be weekdays only.

The Senior Planning Officer responded to further questions on issues including: that the development would not overshadow the neighbouring property and that Permitted Development Rights across the site had already been removed, that the boundary trees were not considered of value and that issues regarding their relation to any foundations would be covered under building control regulations and relevant Tree Preservation Orders.

Concern was raised that not enough was being done to protect the vegetation on site and what pre-application advice was given with regard to existing trees and bushes and their associated root systems. The Development Manager advised Members that an informative note could be added to the recommendation drawing the applicant's attention to the relationship between the trees and buildings on the site and that they should have this looked into with their own arboricultural specialist.

RESOLVED (EIGHT Voted For and ONE Voted AGAINST) that the application be approved subject to the conditions and Informatives in the report and amendment sheet and an amended working hours condition to prevent Saturday working (Reason: Having regards to the intimate relationship with adjacent properties which are sensitive to noise and disturbance), and the additional informative: that the applicants are advised to consider carefully the potential impact of tree roots upon foundations of the build having regard to BS5837 Trees in relation to design, demolition and construction.

**898**

**212716 Barn at, Oak Farm, Vernons Road, Wakes Colne, Colchester, CO6 2AH**

The Committee considered an application for a barn conversion to a dwelling. The application was referred to the Planning Committee because the applicant is a Borough Councillor. Furthermore, the site is outside the adopted settlement boundaries in an area defined as countryside and relates to the creation of a dwelling. The proposal is therefore a Departure from policies in the Local Plan which seek to direct new development within settlements.

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 in the report and amendment sheet.