

Planning Committee

Thursday, 01 April 2021

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Robert Davidson, Councillor Pauline Hazell, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean
Apologies: Councillor Philip Oxford, Councillor Martyn Warnes
Substitutes: Councillor Gerard Oxford (for Councillor Philip Oxford)

831 Minutes of Previous Meetings

The minutes of the meetings held on 4 March 2021 and 18 March 2021 were approved as a correct record.

832 202835 133 Straight Road, Colchester

The Committee considered an application for a proposed single storey dwelling to the rear of the existing dwelling, with access off President Road between No. 37 and 41 together with access drive and turning facility, and parking for 2 cars.

The Committee had previously approved an application for a single storey dwelling (200854). A revised plan had been received, omitting the car port to provide for adequate vehicular manoeuvring.

A report setting out information about the application was before the committee.

The Committee members had been provided with photographs of the site taken by the Senior Planning Officer to assist in their assessment of the impact and suitability of the proposals.

Tracy McCloskey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application expressing residents' concerns.

The first issue raised concerned an increase of vehicles to an enclosed area which would bring pollution, noise, vibration, nuisance and risks to safety for existing residents. Access via President Road involved a sharp turn where the access narrows to 3.7 metres, the blind bend and narrow drive raised safety concerns for all neighbouring properties and contravened para 13.4, diagram 13.1 of Building Regulations 2010. The width of the driveway was narrower than current guidelines suggest and it would not be possible to alter the current configuration. The current condition of the road was poor, any further vehicular access would impact this and cause expense to current residents.

There would be restricted access for fire tenders as the distance from the adopted

highway to the boundary of the development is approx. 38m, Building Regulations require sufficient access to within 45m of all points within a dwelling.

Bin collection points should be within 25m of adopted highway, there were no bin collection points on the drive and the drive could not be altered to provide any.

Neighbouring properties had ground floor windows to habitable rooms facing the development site; subsequent building and fencing would create overshadowing and loss of light.

Residents had been concerned that the Public Notice of Planning Application was twice attached at the proposed site entrance, where there was no public thoroughfare or access and had also stated that details showing the revision omitting the carport had not been made publicly available to review.

The proposed property exceeded the maximum number of dwellings off a type H shared private drive as per Essex Design Guide.

3 applications had been put forward for this piece of land within the last 14 months and decisions made had been inconsistent. Reasons for refusal within 192571 were also relevant to subsequent applications and 18 objections were received for 200854. There were concerns that additions had been made in stealth which if contained in one initial application may not have been successful if reviewed as one.

The development would have a detrimental impact to the character of the surrounding area producing a high density of properties within a small area.

Councillor Buston attended and with the consent of the Chair addressed the Committee.

Councillor Buston explained that he had called in the application on behalf of a number of residents and referred members to the detail which was contained in paragraph 8.2 on Pages 22 and 23 of the report where the reasons for the call in were set out.. Ms McCloskey had covered many of the residents' key points, but he reminded the Committee that the site had been subject to a number of applications one of which had been refused on appeal.

With the current application a key issue was access and the narrowness of the road, although Cllr Buston acknowledged that Right of Way to the site was not a planning consideration and could be pursued separately. The other issue of concern was that residents' properties were alongside and facing the private road, any additional traffic would cause a disturbance.

Chris Harden, Senior Planning Officer, presented the report and assisted the Committee in its deliberations.

The Senior Planning Officer shared a presentation with members including plans, aerial views and photographs of the site, as well as drawings to allow comparison of

the current submission with the previous application.

The proposal was for a single storey dwelling at the rear of 133 Straight Road with access via President Road. The aerial photographs shown illustrated the depth of the site, the plans showed layouts, access with a parking area at the front of the dwelling with a manoeuvring area, and garden space to the rear. It was pointed out that smaller vegetation would be removed and the larger elements retained. The street scene elevations showed the roof sloped from neighbouring boundaries, it was a more traditional pitch proposal compared to the previous application. The design took a contemporary form and was considered appropriate in this location.

A previous application had shown access via a long drive from Straight Road but it had been considered that this access and manoeuvring adjacent to rear gardens disturbed amenity.

The Committee were reminded that the extant approval had been recent and could still be implemented. The principle of a dwelling on the site had been established including the size of the plot and vehicular movements in front of properties.

The proposed 4 bedroomed dwelling was similar in scale to the previous one, some way from neighbouring boundaries and with a roof height of 5 metres that slopes away so it would not affect light (previous roof height had been 4.9 metres). There was a slight increase in footprint but the development would not have an overbearing impact on neighbours.

In terms of access, a construction management plan condition was proposed to counter temporary disturbance. The regular number of vehicular manoeuvres associated with the dwelling would be low and Essex Highways were satisfied; a check had been made and it was stressed that the Essex Design Guide(EDG) was a guide and in some cases access for up to 8 properties on a private drive had been allowed so it was not considered that this gave grounds for refusal.

Details had been submitted showing the applicant's right to access the property through the private drive and right of way would be a private legal matter. Both the access for fire tenders and refuse collection limits to distance covered were Building Regulation issues that would be addressed through those regulations and not through any planning permission.

He clarified that the Parking Standards require 2 parking spaces and that as well these 2 spaces, there was also a visitor space.

There was ample garden space and an arboricultural and tree condition had been proposed.

The Senior Planning Officer stated that the application complied with all Local Plan Policies and would be subject to a contribution to the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS), a Unilateral Undertaking and conditions.

The Lead Officer for Planning, Housing and Economic Growth confirmed to the

Committee that there had been no flaw in the notification process; individual notification letters had been sent out and Ward Councillors had been informed.

The Committee acknowledged that the site already had planning permission for a 4 bedroomed bungalow. It was pointed out that consideration was of the altered design and layout; removal of the carport was supported. There was concern over “backland development” and the location and size of the site. Access and parking for the residents of neighbouring properties who had been using on road parking adjacent to the site was raised.

The Senior Planning Officer clarified that as this was a private drive, there could be no insistence on retaining parking for neighbouring properties, and members were reminded that the access was a right of way.

The Committee considered the issue of on street parking for large and smaller construction vehicles, access to the site was tight, it would be difficult in such a congested small area and may impact residents. It was suggested that Inspectors monitor the construction, and enforcement officers visit when necessary.

Members also proposed that Permitted Development Rights were removed for the site and it was highlighted that this had been included in Condition 9 but would not exclude an application being made for future consideration.

The Committee recognised that a clear principle for the development had been established and suggested an amendment to conditions to ameliorate residents’ concerns in respect of times and access for delivery vehicles.

RESOLVED (SEVEN voted FOR, ONE voted AGAINST)

that planning permission be approved subject to the conditions in the officer’s report and with the addition of an amendment to condition 7 to include delivery vehicles.