

PLANNING COMMITTEE
14 December
2023

| | |
|-----------------------------|---|
| <i>Present:-</i> | Cllrs Lilley (Chair), Barton, Davidson, Hogg, McCarthy, McLean, Powling, Tate, and Warnes |
| <i>Substitute Member:-</i> | Cllr Powling for Cllr Mannion |
| <i>Also in Attendance:-</i> | |

1040. 231412 Land to the Rear, 3 Highfield Drive, Colchester, CO3 3QA

The Committee considered an application for the demolition of the double garage, relocation of existing car parking and creation of a two bedroom detached bungalow. The application was referred to the Planning Committee as the application had been called in by Councillor Willets for the following reasons:

1. This application is located on a narrow private drive and has negligible sight splay at its junction with A1124 Lexden Road, and no remedial action is proposed as part of this application. While the traffic volumes are unlikely to cause concern to Essex County Council in regard to vehicle flow on Lexden Road, the existing access is already a hazard to pedestrians passing-by on the footway of Lexden Road. Further development at this unsuitable location will exacerbate the conflict with pedestrians using the footway. This matter of public safety is neither addressed by ECC highways policy nor by the City Council Planning Policy. Therefore in making a decision, the Planning Committee needs to take into account the wider issues of public safety pertaining to the access to this development.

2. The proposed site is very small and tightly constrained and the proposed development extends over land that was a designated a vehicle turning area for this private lane, as the Planning Committee can see on previous planning applications for this site. This impedes the safe flow of traffic to the other houses in what is already a cramped geometry. Again this is not directly covered by CCC Planning Policy and needs determination by the Planning Committee.

3. While each application must be determined solely on its merits, local residents point to the history of refusal of applications and appeals on this site for broadly similar developments. Planning Inspectors conclusions on previous applications need to be carefully weighed for relevance by the Planning Committee in regard to this application, including their statement that the principle of erecting any new dwelling, regardless of its size or design on the appeal site would be likely to harm the character, quality and appearance of the area.

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

Nadine Calder, Principal Planning Officer presented the application to the Committee and assisted them in their deliberations. The Committee were shown the proposed elevations of the site and the street scenes as well as a blue line plan of the site showing ownership. The presentation continued with photographs of the site and detailed that the conditions proposed included landscaping conditions to tidy up the site. Members were shown details of previous applications on site which had all be previously refused and detailed that the precursor to the application before the Committee had been for a two-storey dwelling, which had also been refused by the Planning Committee and had not been allowed at appeal by the Planning Inspectorate. The Principal Planning Officer concluded by detailing that the application before the Committee was materially different to those that had previously been refused and confirmed that the site was policy compliant with an officer recommendation of approval as detailed in the Committee report.

Chris Taylor addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Committee heard that over the past thirteen years all proposed applications on the site had been refused as they had not complied to policies and also harm the area. The Committee heard that the proposal was contrary to policies DM19 and DM15 of the Colchester Local Plan (2022), not enhancing the site and surroundings as well as DP1, that the proposal did not respect the landscape or setting of the area. It was detailed that the Council had previously refused access for number 9 Highfield Drive and that if approved the Council would be setting a dangerous precedent as the applicant had allowed the site to become unkept and used this as leverage for gaining approval for the Planning Application. The speaker concluded by detailing that the property boundary for the site had been changed and asked that the Committee refuse the application and the principle of development on the site as this would harm the character and appearance of the area.

Michael Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that the site had a long history of applications and outlined that the proposal before Members was not for a home on the corner of the street and that care had been taken with regards to the visual amenity on site and that there were no changes proposed for the turning area on Highfield Drive. It was noted that parking had been relocated since the previous application on the site and confirmed that the open space would be landscaped which was an improvement to previous applications. The speaker outlined that the proposal would benefit from Victorian detailing and that as this was a bungalow it would give the appearance of a converted building. The Committee heard that the are was well served by busses and that there were no statutory objections from consultees and concluded by outlining that the proposal was a high-quality scheme as set out in the Local Plan and that measures were secured to enhance the site from its current status.

At the request of the Chair, the Principal Planning Officer responded to the points raised by the Have Your Say Speakers. The Committee heard that the principle and size of the proposal had been assessed and commented that if approved the proposal would not set a precedent and was noted that there was no objection from Essex County Councils Highways Department and confirmed that no access arrangements onto Lexden Road from Highfield Drive were proposed for alteration. The Principal Planning Officer detailed that they sympathised with the Have Your Say speakers comments on tidying the land but detailed that this was an opportunity to improve the open space. The Principal Planning officer concluded by confirming that issues of land ownership were not within the remit of the Committees decision making powers.

Members debated the application on issues including: the officer recommendation before the committee and whether any condition could be added to remedy any damage to the private turning head on the private road caused from construction of the development. Debate continued with Members detailing that there had been many iterations of the proposal before the Committee over the preceding years and thanked the applicant for listening to concerns to preserve the streetscape.

Following a question from Committee the Principal Planning Officer confirmed that the conditions for the proposal included a standard condition regarding archaeology.

It was proposed and seconded that the application be approved as detailed in the officer recommendation with additional condition as follows:

- Prior to commencement of the development a road surface condition survey shall be undertaken by an appropriately qualified person and submitted for approval in writing by the LPA. Prior to occupation a second road surface condition survey shall be undertaken by an appropriately qualified person showing the degradation of the road surface caused by vehicles used in the construction of the approved development (if any) and the measures that will be taken to repair it which shall also be submitted for approval in writing by the LPA. The repair measures set out in the second survey shall be carried out in full prior to occupation of the development.

RESOLVED (UNANIMOUSLY) That the application is approved as detailed in the officer recommendation with the additional condition as follows:

- Prior to commencement of the development a road surface condition survey shall be undertaken by an appropriately qualified person and submitted for approval in writing by the LPA. Prior to occupation a second road surface condition survey shall be undertaken by an appropriately qualified person showing the degradation of the road surface caused by vehicles used in the construction of the approved development (if any) and the measures that will be taken to repair it which shall also be submitted for approval in writing by the LPA. The repair measures set out in the second survey shall be carried out in full prior to occupation of the development.