

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
22 September 2011 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**9. Amendment Sheet**

**102 - 106**

See Amendment Sheet attached.



# AMENDMENT SHEET

Planning Committee  
22 September 2011

## AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

### LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED

7.2/7.3 – 110608 & 110609 – St Johns Ambulance Site, Chapel Road,  
Wivenhoe

Withdrawn by Head of Environmental and Protective Services for consideration of further matters raised by the agent in relation to the grounds of refusal.

7.4 110937 – Tubswick, Mill Road, Colchester

Late comments received from 73 Bolsin Drive and supported by Cllr M Goss:

1. There is no mention of the height and quality of the replacement planting; it needs good mature and fast growing hedges.
2. Windows at the rear of the 9<sup>th</sup> property will overlook 73 Bolsin Drive as there is an angle of about 45 degrees and a significant drop in site levels.

Officer Comments:

The Essex Design Guide advises, "Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary .... Where the new houses are at an angle of greater than 30 degrees to the existing, proximity may increase proportionately down to 1 metre from the boundary. Where the new houses are at right angles to the existing, there are no windows in the flank end and no problems of overshadowing the new houses may encroach up to 1 metre from the boundary". It also advises, "All houses should have a private sitting out area not overlooked by adjacent or opposite living rooms or sitting out areas. This area should extend at least 3 metres and be screened from adjacent properties by walls or fences above eye level from a potential vantage point".

The proposed plot 9 is situated at right angles to the properties in Bolsin Drive and is over 3m from the side boundary. The rear 2-storey aspect of the proposed dwelling is at an angle of more than 30 degrees to 73 Bolsin Drive and 15 metres from the nearest corner of that property. It is acknowledged, however, that the 2-storey aspect of the proposed dwelling is approximately 8 metres from the nearest point of the garden of 73 Bolsin Drive. The application has been submitted in outline form and securing the privacy of 73 Bolsin Drive can be secured at reserved matters stage through the consideration of window positions and heights (above internal floor level) as well as through appropriate screening.

Condition 9 of the report secures the provision of 1.8m height fences along all boundaries of the site with residential properties. Condition 10 removes permitted development rights for extensions to plot 9. Condition 14 in the report requires a replacement hedge to be planted along this boundary.

It is acknowledged there is a drop in site levels between the application site and the Bolsin Drive properties. With regards to replacement hedge planting, if Members wish a semi-mature or mature hedge to be replanted, condition no.9 can be altered to secure this. Likewise an additional condition could be imposed to prevent any first floor windows on the rear and south side facing elevations of plot 9, unless the applicant can demonstrate that overlooking of the gardens of the Bolsin Drive properties will be avoided (such as through intervening screening or height of windows above internal floor level or obscure glazing).

## **7.6 111470 – 100 Coast Road, West Mersea**

**Comments received from the Tree Officer state that the building in its present position would be in conflict with vegetation situated off-site. The recommendation for this item has therefore accordingly been changed to refusal on tree protection grounds.**

**Further objection comments have also received from neighbouring residents. These mostly highlight that their earlier objections still stand and raise issues already covered in the report. Comments received include:**

- **The gravel turning area would lack screening for number 8 Firs Hamlet and would result in noise disturbance**
- **The gravel access road is too close to neighbouring properties**
- **The boat should be stored outside and does not require indoor storage**
- **There are no undertakings that there will be no business use**
- **It is unclear why roof light windows are required**

- The height of boundary fences as shown on the drawings is incorrect
- The different set of plans are confusing
- The committee report gives incorrect information on the dimensions of the building
- An intention to apply for a future garage on the site is considered relevant

As stated above most of these issues are already covered in the Committee report. Where referring to the proposed footprint the Committee report makes clear that the main part of the building is proposed to be 15 metres x 7 metres. It is accepted that the lower subservient element of the building would extend out further to the side than the main part of the building. Each application must be determined on its merits based on the current proposals submitted. It is considered that issues such as potential business use can be controlled by way of condition. The full text of objection comments received is available on the Council's website.

**7.7 111135 – Former Garrison Theatre Build, Circular Road South, Colchester**

A letter dated 14 September 2011 has been received from Crowdell Associates (the agent), the contents of which can be summarised as follows:

The agent states that he has spoken to his clients regarding the playing of music after 9pm and have advised that they never stated that music would not be played after 9pm and they consider it would be nearly impossible to run the church and community centre in that way.

The term amplified music may have been taken out of context; the music is to accompany congregational singing and should not be confused with amplified music played at rock venues and the like.

At a similar in venue in Clacton the church arranged for live music to be played and the Environmental Control Officer attended on site with a sound meter. During the test the sound meter did not record any sound from the building over and above background noise. On this basis Tendring imposed a condition that any noise from the building should not exceed a certain level.

With reference to parking issues, the agent confirms that his client does not have an objection to a formalised Travel Plan.

**Officer Comment:**

The above letter has been discussed with Environmental Control and they have commented as follows:

“The hours of use on the application form state that the intended opening hours are 8am to 7pm – Mon to Sun plus 9pm to 1am two Fridays per month for night vigils.

Section A, Part 7 of the Design and Access Statement states that no music will be played at the night vigils.

Given that it is only the vigils that will operate after 9pm and it is stated that the music will not be played at these time, the proposed condition relating to amplified music should not impact on the operation of the proposed uses (as outlined in the application).

The current condition relating to amplified music is considered satisfactory for the development as described in the application.

If the applicant intends to operate the proposed uses from this building differently from that currently set out, then this should be subject of a new application so that it can be properly assessed in terms of the potential impact on the nearby resident properties.

Any extension to the hours of operation / intended uses could potentially have a detrimental impact on the amenity of nearby residents. The concern with the condition suggested by the applicant is that the works to sound proof the building could be expensive and once planning permission has been granted this could lead to pressure to relax the condition. [There is also concern from a design and conservation perspective that the required works could have a detrimental impact on the architectural integrity of the building and the character and appearance of the conservation area; for example replacing the existing windows with plastic mock sash windows would not be considered acceptable. In view of this, sound proofing works would need to be submitted prior to the grant of planning permission in order to demonstrate that the works could be satisfactorily implemented without having a detrimental impact on the appearance of the building]. “

Environmental Control also note that the Council received a few complaints about the church in August 2008 regarding loud music and drumming; the noise from the church could be heard above residents televisions and was witnessed by officers from Environmental Control.

**Additional condition to cover the following:**

- **The minimum parking bay size for car 5.0m X 2.5m with 6.0m between 90 degree square parking**
- **The minimum parking bay size for the blue badge 6.5m x 3.9m**
- **The minimum size for the mini bus parking to be 7.5m x 3.5m.**

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**Part B**

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**Pages**

**There are no Section B Items**