

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
16 June 2011 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**9. Amendment Sheet**

**66 - 76**

See Amendment Sheet attached.



# AMENDMENT SHEET

Planning Committee  
16 June 2011

## AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

**7.1 110616 – Cuckoo Farm (prop Park & Ride), Boxted Road,  
Colchester**

**Members' attention is drawn to the following points of  
clarification:**

- **At paragraph 10.1 of the report the total number of letters received numbered nine. Eight raised objections to the proposal and one contained general observations.**
- **The charging regime for the park and ride facility would be on the basis of a ticket per person as opposed to a charge per car.**

**7.3 110736 – Wyvern Farm, 274 London Road, Stanway**

- 1)** Part of condition 04 is missing from the final report. Please accept our apologies for this editing error. This should read:

**“The crushing shall take place no more than 4 times per year for 3 days for each episode. This shall take place solely within the hours of 8am to 6pm on Mondays to Fridays, and at no time during weekends or Bank/Public holidays.”**

- 2)** As advised, a full response has now been received from Environmental Control. This is as follows:

**“Having spoken with the applicant and agent, I can confirm we have agreed with the following:**

**4 crushing events per year, up to 3 days each, which makes the total number of days 12.**

**There will be no crushing weekends or bank holidays. Crushing will take place between 8am and 6pm Monday to Friday.”**

**Stanway Parish Council has given its consultation response as follows:**

**After discussion it was RESOLVED that Stanway Parish Council has no great concerns over the formalisation of the light industrial aspect of the application, but has grave concerns and STRONGLY OBJECTS to the storage of hardcore and occasional crushing for the following reasons:**

- 1. The increase in traffic with vehicles continually entering and exiting the farm.**
- 2. The loss of amenity to local residents due to the dust and noise.**
- 3. The use of the word 'occasional' is too ambiguous.**
- 4. Stanway Parish Council would question whether planning permission for 101256 is being adhered to.**

#### **7.4 110023 – 21 Regent Street, Rowhedge**

**A letter is attached from Ms Morley dated June about sun path analysis.**

**Sun path analysis has been carried out by the Design and Heritage Unit. They have confirmed that the proposed development will not have a detrimental impact in terms sunlight and daylight.**

**The occupiers of The Old Chapel have asked for the Applicant to provide a sun tube and additional double glazing to their front bedroom. This can not be a requirement of any planning permission on the basis that this adjacent property is not within the application site and is not within the ownership or control of the Applicant.**

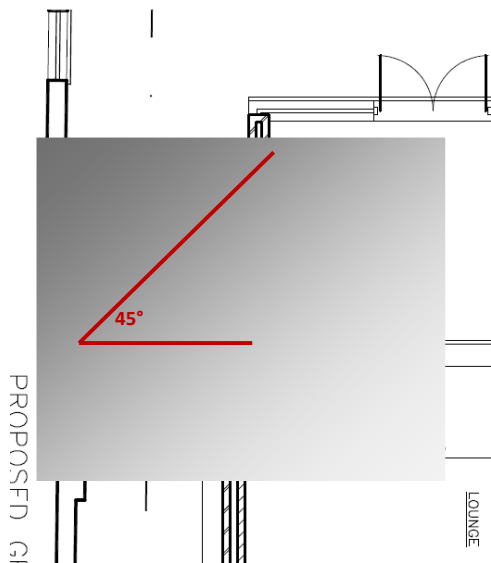
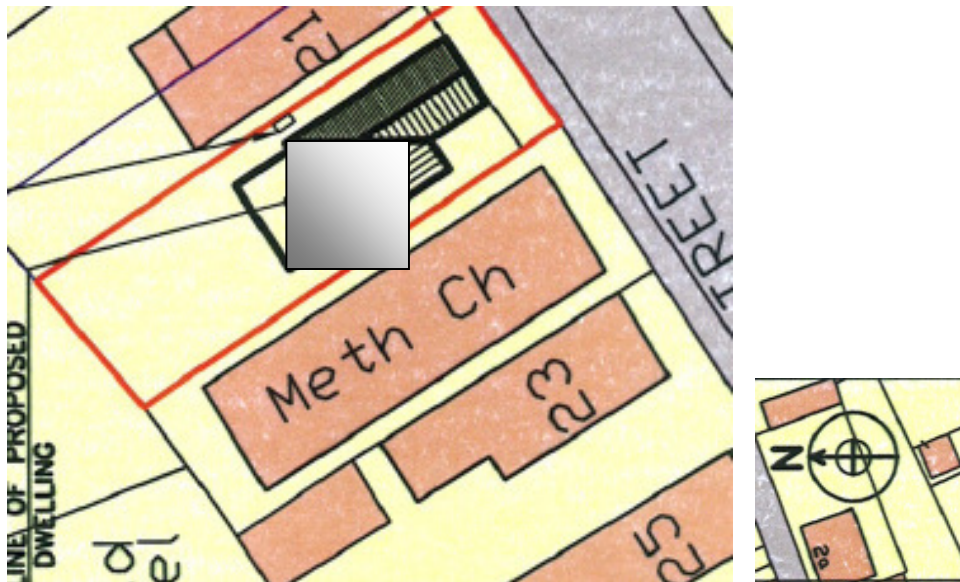
**Application No.110023 Land Adjacent to 21 Regent Street**

**From: Patricia Morley, The Old Chapel, 21A Regent Street, Rowhedge, CO5 7EA, 01206 729465**

I would like you to take the following into consideration at relevant planning committee and request that a condition of planning be that a conservation light tunnel (necessary for the area and the fact The Old Chapel is of historic interest to Rowhedge) be provided for our kitchen window due to lack of sunlight/ambient light due to the new building.

Mr Wright's architect has applied the 45 degree rule to these windows; however the angles he has given for the kitchen/diner window is from a completely shadowed area where no light will be. The proposed construction of the house to the east of us blocks the daylight we once received from the sun rising from that direction in the morning (we never receive any direct sun in the afternoon due to the building to our west's proximity – see photos) I have attempted to show this in the diagram below. I have shown the minimum shadow during the morning we can expect it will be far greater at other times of the day. I believe we will loose in excess of 50% of our ambient light to our kitchen/diner window.

**Diagram A : - MINIMUM SHADOW FROM PROPOSED TWO STOREY EXTENSION.**

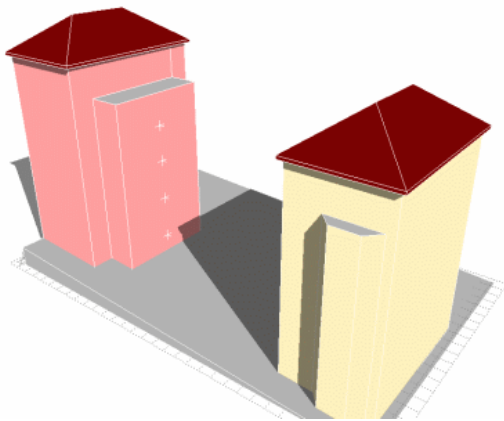


**Application No.110023 Land Adjacent to 21 Regent Street**

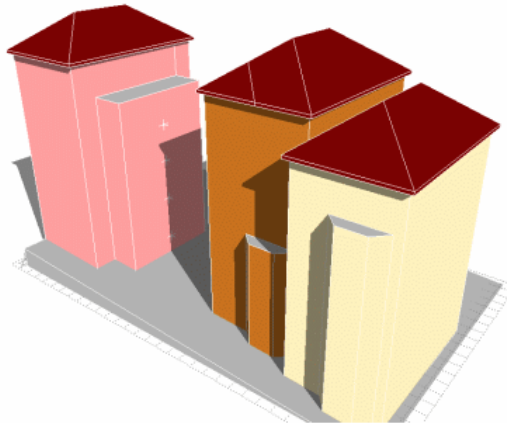
**From: Patricia Morley, The Old Chapel, 21A Regent Street, Rowhedge, CO5 7EA, 01206 729465**

Please see these drawings, the only ones I could find that show the adjacent building to the east overshadowing effect – the gap between the proposed building and ours will be much smaller than below, therefore causing far more shadowing.

**Before Build**



**After Build**



Example of size of shadow in winter months when sun is low

Please can I also bring attention to the following Colchester.gov documents?

**Urban Environment and Archaeology Chapter 6**

**UEA12 Where the character of existing residential development makes a positive contribution to the appearance of the area, infilling – including backland development – and minor extensions shall reflect that character. Elsewhere a good standard of design will be required.**

**Backland development will be permitted only where**

- i) The vehicular and pedestrian approach to the development and the development itself creates a satisfactory form of townscape;**
- ii) There is no significant loss of amenity to neighbouring residential property by virtue of overlooking or from overshadowing**
- iii) There is no significant loss of amenity to adjoining residential property by virtue of noise and disturbance caused by traffic generated by the proposed development.**

## Application No.110023 Land Adjacent to 21 Regent Street

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### DOE Policy HOU16 – House Extensions

#### Overshadowing

House extensions should not overshadow neighbouring properties to an unreasonable degree. In determining planning applications, account will be taken of the orientation and position of neighbour's windows in relation to the extension. Where an extension would be likely to significantly reduce the amount of light entering the sole or main window of a main room, such as a living room, bedroom or kitchen, planning permission will normally be refused. Exceptions may be made for extensions to older properties, with small plot areas, where some loss of light and privacy may be a necessary outcome of making essential improvements to sub-standard accommodation.

The **Infill and Backyard SDP** which is the most relevant in this case as per definition of infill in that document is *"Infill development involves the development of a small gap in another wise built up frontage. It usually consists of frontage plots only and often comprises side gardens of existing houses"* states the following:

There are examples in the Borough of infill and backland development that at the time was deemed acceptable. However recent government advice in PPS1 and PPS3 indicates a change in policy emphasis and the recognition that new development should reflect the character of its setting and improve local distinctiveness. New development cannot therefore just mirror existing examples of recent development (last 10 years). Not all gardens or previously developed land (PDL) will be acceptable for residential development. For example in some areas large gardens will be the defining character and in these areas backland and infill development will normally be resisted.

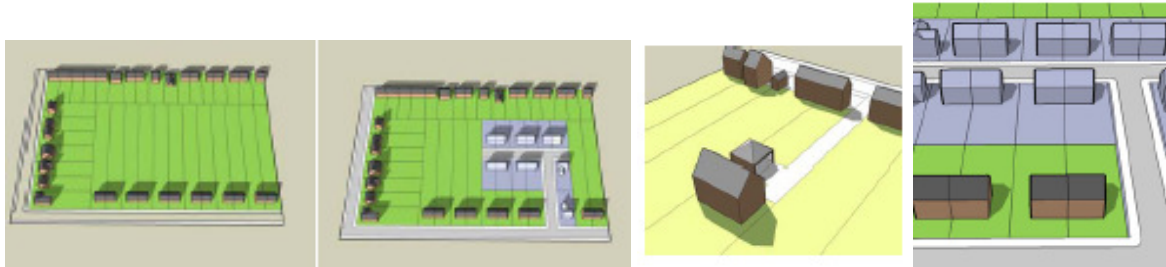
#### Daylight and overshadowing

6.4 Backland and infill development may adversely affect neighbouring properties if the development seriously reduces the amount of daylight available through windows or obstructs the path of direct sunlight to a once sunny garden or window. Blocking direct sunlight from reaching neighbouring properties can cause overshadowing. Overshadowing is governed by the topography of the site and the size, position and orientation of the development within it. Overshadowing is more likely to occur when taller buildings are positioned to the south of smaller buildings, in the late afternoon and early evening and times when the sun's path is low (winter). The Council will assess the effect the proposal will have on the amount of daylight and overshadowing neighbouring properties will receive. Developers may be requested to submit a sun path analysis to ensure that development does not seriously affect a neighbour's daylight or outlook. The Essex Design Guide for Residential and Mixed Use Areas and adopted SPG Householder Guide set out minimum standards; however where the existing spaces between buildings exceed these standards greater distances will be required. Where infill and backland development is proposed in an area where plot sizes are smaller and/or gardens shorter and buildings are close together the new development will be expected to comply with the requirements of the Essex Design Guide and other adopted guidance. The Essex Design Guide is available from Essex County Council and can be viewed on the following website <http://www.the-di.co.uk/?section=publications>

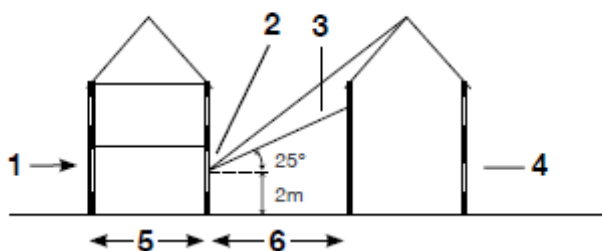
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All pictures in the infill and backland show the shadow of buildings to be not falling on the adjacent one. See below.



Please note the **Essex Design Guide** shows no drawings of this situation, with the closest being that below, although it should be noted that the additional light from rear is negligible due to the proximity of no 23. All the diagrams for 45 degree show from a front or rear facing situation. Please note the only front facing windows we have are to the hallway.



1. Additional light from rear 2. raise window head height 3. Daylight obstructed 4. Obstructing building 5. Shallow plan 6. Less than 10m

Please see below photos of the current view from my downstairs room windows and in particular the kitchen and bedroom windows which will be affected by the building, these are currently the only two windows on the ground floor which have any skyline at all and receive sunlight directly in the mornings. Once the building next door is in place the sun will no longer reach these windows, greatly reducing daylight and completely blocking any direct sun to these once bright rooms. All of the ground floor room windows look out on one side to walls and the other side will shortly be much the same (as I have illustrated). The front windows go only into a hall. We have no view of any kind out of any of the windows other than the kitchen and bedroom and shortly will not have those either. I understand that I am not entitled to a view, however I would like you to consider this as it is our home, not just drawings on a piece of paper.



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**Kitchen window** at 07:45am, as you can see bright sunlight coming from the east, all photos taken at 07:45 on 20<sup>th</sup> May.

Partially blocked by a two storey wall and the shadowed area will be partially blocked by the roof of the proposed conservatory.



This is the other Kitchen Window which as you can see gets very little light and looks directly out onto a



wall

These are all the other downstairs windows apart from the obscured windows to the right in the sitting room.

**Hall Window**, due to view blind permanently shut

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Utility Window, shortly to be completed covered by two storey wall



**Sitting room windows**

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**Dining room window** again blind always shut due to view of wall



**Daughters bedroom window**, again, much of the window will be covered by two storey wall



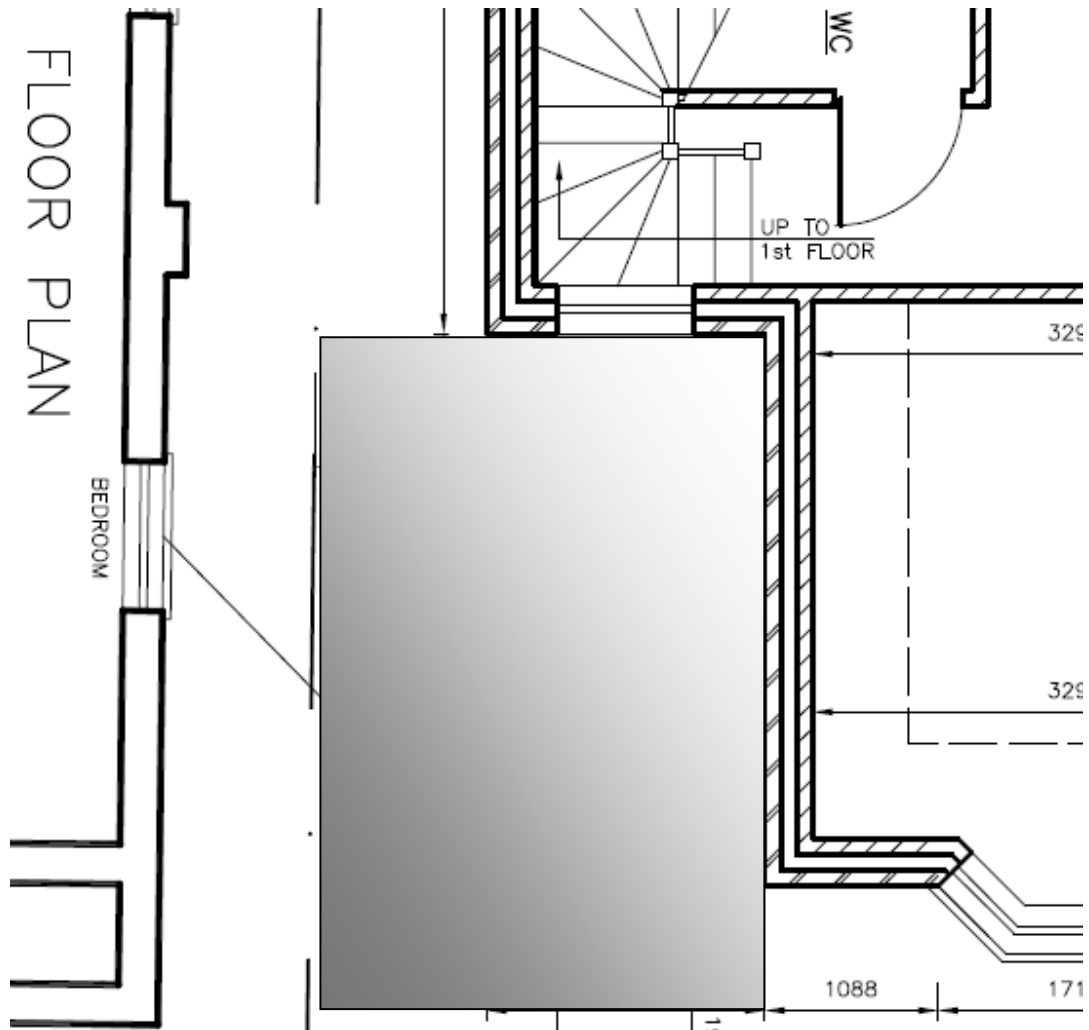
## 2. DAUGHTER'S BEDROOM WINDOW

I would also like it considered that permission be given to put double glazing into my daughters ground floor bedroom window as the proximity of the proposed front door and of the car parking space 1m

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from my daughters window will surely interfere with her sleep. As you can see the parking space is right up against the boundary line and in front of this window. It should also be noted that for a person to get out of the car and access the front door, the car/van would need to park right up against the boundary wall, especially if wheelchair access were needed.



**3. HOUSE NUMBER**

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Please could you also note that our property is on the land registry as No. 21A so this new property cannot be numbered 21A, we have our driving licenses/bank accounts etc in this number and have no desire to change them.

**In summary: Please consider the following when looking at the impact of this new building on our home.**

- 1. Have a condition of the build be to have professional light tunnel company fit the relevant size/type of light tunnel to our kitchen.**
- 2. Allow a double/treble glazed unit to be installed in my daughter's bedroom window.**
- 3. Look into the numbering of the road.**

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**SUPPLEMENTARY AGENDA**

**Part B**

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**Pages**

**There are no Section B Items**