

PLANNING AND LICENSING COMMITTEE

11th May 2016

ADDITIONAL PAGES

ADDITIONAL PAGES - CIRCULATED TO MEMBERS BY POST

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 1 - 4

PLANNING AND LICENSING COMMITTEE

11th May 2016

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
02	15/02907/FUL CD.6972/C	<p>Case Officer - In the first paragraph on page 26 of the Schedule, the distance between the Fyfield and Southrop is stated in the application details as being 1.4 miles. Following further investigation, the distance has been re-calculated as being 0.725 miles by road (0.590 miles 'as the crow flies').</p> <p>A further letter of objection has been received from an existing Third Party objector - On the grounds that a garage similar to that proposed was refused and dismissed at appeal at 6 Baxters Barns, Fyfield (05/02858/FUL). The objector considers the impact of the proposals would be even more harmful than the appeal case, including in respect of the setting of his own property (Mulberry Cottage) which is a Grade II listed building within 50m of the application site.</p>
04	16/01144/FUL CT.4672/G	<p>Town Council Comments - Comments in support: 'No objection to the change of use from Day Care Centre (D1) to single residential dwelling (C3).'</p> <p>Third Party Representations - One letter of objection has been received from an immediate neighbour at No.35-37 Querns Lane who has resided in this property since 1981. Issues raised are summarised as follows:</p> <ul style="list-style-type: none"> i. The property concerned has never been used as a residential property. Originally it was the main office of Keens Builders and they subsequently extended the building to the rear, which was later occupied by Cirencester Social Services. The property subsequently housed Drug and Alcohol Rehab and acted as a Mental Health Day Centre for Adults and more recently the Elderly Mentally Infirm. ii. The urgent need for Mental Health orientated housing in Cirencester led to the development of four flats to the rear of the property, subsequently called Armstrong House which has a courtyard that

		<p>back onto 33 Querns Lane.</p> <p>iii. 33 Querns Lane has no outside area of significance apart from its frontage onto Querns Lane which is in no way suitable for outside occupational use.</p> <p>iv. Querns Lane is an increasingly busy thoroughfare and a 'rat run' across Cirencester.</p> <p>v. Concerned about the drains (though this may have been rectified following numerous blockages when the building was occupied by social services). No.33 joins the main drain via No.35-37's drain with another installed in the 1990s. No.29/31 as well as properties opposite have experienced drainage problems.</p> <p>vi. Cirencester Housing for Young People (CHYP) are also neighbours of 33 Querns Lane. Future occupiers of 33 Querns Lane would need to appreciate the exceptional needs of the surrounding residents. The proximity of Armstrong House is of particular concern as the residents can be extremely disruptive at any time of day or night. There have been frequent Police attendances to this property and the surrounding area. It is suggested therefore that it is used only for further Mental Health Housing or supervised young person housing.</p> <p>If planning permission is granted the objector requests that the following is addressed -</p> <ul style="list-style-type: none"> • The front wall and side wall have previously been used as seating areas and consequently the neighbouring driveway become part of the common area in front of 33 Querns Lane. Some form of fencing or railing needs to be erected to prevent this. • The side window on the first floor overlooks the neighbouring driveway and side window into the living room of 35-37. It is requested that this window is part obscured (with opaque film). • The situation regarding the drains be satisfactorily resolved. • Car parking is difficult for residents and the
--	--	--

neighbouring driveway is frequently obstructed.

- The ability to continue to live peacefully and happily in their present home should 33 Querns Lane be occupied.

Case Officer Update - The public consultation period has now expired. The below comments are provided in response to the objection summarised above.

Occupancy Restriction - No.33 is located within the adopted development boundary for Cirencester. Whilst the objector's comments in respect of the occupants of the flats to the rear of No.33 (Armstrong House) are noted, matters raised in this regard are not relevant planning considerations. The Council's records show that despite the current occupation of the flats within Armstrong House their use is unrestricted (within use class C3).

Whilst it is intended that No.33 will be retained in the District Council's ownership and used to house persons in housing need, it is not considered appropriate to restrict the occupation of the property. The property is located within Cirencester's adopted development boundary and the proposals fall below the threshold for affordable housing provision in accordance with Local Plan Policy 18 and 21. It would therefore be unreasonable to seek a restriction of the property's occupation within use class C3 since the proposed change of use is policy compliant and requires no special justification.

Residential Amenity - Whilst the comments in respect of the occupants of flats to the rear of No.33 (Armstrong House) are noted, matters raised in this regard are not relevant planning considerations. Disruption caused by adjacent residents (residing within Armstrong House or otherwise) is not a matter for planning and is dealt with under other separate legislation.

Furthermore, whilst the comments in respect of the upper floor side window within No.33 is noted, it is not considered reasonable for officers to insist on opaque glazing given that the relationship between this window and the neighbouring property already exists. The proposed change of use will not exacerbate this relationship. The relationship is therefore considered to be acceptable on balance in accordance with Local Plan Policy 46.

With regard to the comments made in respect of the outdoor amenity space available to No.33 Member's attention is drawn to pages 54 and 55 of the Committee Agenda which confirms that, on balance, it is the view of officers that the proposals accord with Local Plan Policy

		<p>46 and the relevant provisions of the NPPF for the reasons stated therein.</p> <p>Boundary Treatments - The residential curtilage of No.33 is bound to the front by a low stone boundary wall and to the rear by close boarded fencing. Incidences where residents use the lower front/side boundary wall to sit upon are noted but it is unclear which residents are being referred to. Nonetheless, such matters would appear to be civil in nature and fall outside of planning. Notwithstanding, officers would not wish to encourage the introduction of high railings or fencing to the front/side of the property in any event given the property's location within a prominent streetscene within the Cirencester South Conservation Area.</p> <p>Drainage - The objector's concerns in this respect are noted. However, the alleged drainage issue appears to be an historic one and its route cause is unlikely to relate directly to activities at No.33, irrespective of its use. It is unreasonable to expect individual applicants to deal with existing drainage deficiencies particularly where they relate to property's that already benefit from a mains drainage connection. Notwithstanding, it is considered by officers that the property's change to use as a single residential dwelling will be less intensive in drainage terms than its use as a day centre, given the number of staff/visitors that would have frequented the premises on a daily basis. It is therefore considered that the proposals will likely result in a betterment in foul drainage terms and no change to the current surface water drainage regime. The proposals are therefore considered to comply with Section 10 of the NPPF.</p> <p>Vehicular Parking and Access - The objector's concerns in this respect are noted and Member's attention is drawn to page 54 of the Committee Agenda which deals with this matter. In addition it is pertinent to add that the obstruction of private driveways is a civil matter.</p> <p>Overall therefore, it is the view of officers that there is nothing contained in the objection submitted that would indicate that an alternative recommendation should be made. The officers' recommendation as set out in the Committee Agenda therefore remains as stated in the Committee Agenda i.e. to permit.</p>
--	--	---