**Planning Applications Committee: 1 October 2015**

**Updates to report**

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**Application no: 15/00515/MA**
**Item 5 (B) page 33**

**Correction to report:**
At paragraph 7 it should say one letter of representation … in response to the revised proposal. As indicated at page 33 in the representation box.

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**Application no: 15/00272/F**
**Item 5 (D) page 71**

**Additional Consultee response**

**Historic Environment Service**
Have received additional archaeological reports/documents and do not intend to recommend any further archaeological work takes place on this site.

**Officer response**
Note that suggested condition 25 is not now required

**Additional letter of representation**
Agent on behalf of adjoining business has written in and a number of concerns have been raised. These include:

**Allocation**
Report references the fact that site is an allocated site (R27) under the Norwich Site Allocations and Site Specific Policies Local Plan. This is not correct. Some of the site is not covered by the allocation or part of the consultation process that led to the adoption of the Plan.

Members of the public have been denied opportunity to comment on additional elements which never formed part of the adopted allocation. This casts doubt on the process of now including these additional elements and parcels of land that are now within the current application and being portrayed as being for an allocated site.

**Amenity.**
Have particular issues with paragraphs 46 and 47. Statements “have some potential for commercial noise and activity” and “It is questionable whether the whole of the commercial premises has a general industrial use but it is one which is capable of being a good neighbour without adversely impacting on their commercial operation” are contradictory and without foundation or evidence.

Agent has previously told Council that uses on adjacent site falls within the Use Classes Order B2 General Industrial that should not be carried out in a residential location. At no point has Council has advised they do not accept this. Use is therefore not questionable.

Goldsmith Street has been in continual use since the 1920's as a garage and workshop. Premises at Midland Street originally a slaughterhouse and since then have been used for car repairs and as a workshop. Such uses are not compatible with residential use. Use Classes Order could not make the distinction between business uses more clearly.

New residential development next to my clients' premises will not make good neighbours. Council previously objected to owner of premises on Midland Street under application 07/00051/F for affordable housing that site would be too close to commercial businesses. New residential is closer to commercial uses than under 07/00051/F.

Council have not provided any evidence by way of noise assessment or air quality assessment of the nature of my clients business to accompany the application to conclude that there will be no adverse impact as a result of the proposed development. The lack of assessment must bring into question the validity of the application particularly as they are listed as requirements on the Council's website for planning applications.

**Accuracy.**
Planning permission 15/00165/F granted 30th March 2015 is a relevant planning matter on an immediately adjacent site.

This granted permission to extend this B2 business premises and met policies and guidance on support for expansion of existing businesses and for job creation. Emerging planning policies at the time ensured that the Council would take measures to protect small and medium scale business premises (Policy DM17).

There is inconsistency here as the Council were sufficiently concerned about noise and vibration from the extension proposed under 15/00165/F that they withdrew permitted development rights to ensure that they could control potential nuisance arising from the use of the extended premises.

This would not have been necessary unless such nuisance potential was recognised yet for the current residential proposal the Council are stating that their proposed housing can sit with a metre of the commercial site without any adverse impact.

The content of the committee report requires alteration to address the above matters. Should also conclude that whilst the majority of the proposal meets policies and should be recommended for approval the two residential blocks that did not form part of the allocation are clearly contrary to policies relating to amenity and lead to juxtaposition of conflicting uses which are not acceptable and therefore the whole application should be refused.

**Officer response**

**Allocation** – The report at various points defines the split between various parcels of land and their relationship to allocation R27 for example “northern area” and “land north of Midland Street and south of Exeter Street”. See also for example paragraphs 2, 3, 5 (site density) 34 and 36.

Whilst the larger area does not form the R27 boundary the applicant has taken the view that it would be appropriate to include additional land around the area to bring forward a comprehensive development. This “larger area” was subject to public consultation as part of the pre-application process which brought out various local issues for the applicant and architect to formulate a redevelopment scheme which now forms the basis of the current application. The application has also incorporated public consultation.

**Amenity** – whilst the agent has advised the Council of their belief in adjacent commercial properties having a B2 use they have not as suggested submitted a certificate of lawfulness application to seek prove this point. With application 15/00165/F the agent did within the application form describe the use of land adjacent to the Exeter Street site as B1 light industrial use.

This is a use class which should be capable of being carried out within a residential area without giving rise to amenity impacts. As such, it was considered to be appropriate to attach conditions requiring the submission and formal agreement of any plant and machinery or extract ventilation systems to the premises to ensure that such additions still protected amenity within the area in line with the stated use of the premises.

With application 07/00051/F this was an isolated site and the application did not involve the potential for wider improvements; landscaping, roadways, parking etc. as is part of the current scheme. A number of ways to improve the scheme were discussed and the agent was put in contact with Housing Officers to see whether there could be scope to improve the scheme by incorporating the adjoining Exeter Street car park which appeared to be achievable at that time. This invitation is not believed to have been taken up with Housing and no further approach made by the agent in recent years.

Validation requirements are considered on a site by site basis with some core information being required. We will not unreasonably seek information if it is not essential for the determination of the application. The application is not considered to be invalid.

**Accuracy** – the application mentioned by the agent is noted. Relationship to adjoining business uses is considered within the report and policy DM17 listed within relevant policies. See also responses on amenity and use of land above.

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**Application no: 15/01028/U**
**Item 5(E) page 105**

**Additional information from the applicant:**

Part 1
We write, if we may, in response to the objections raised, particularly regarding concerns about disturbance, pressure on shared spaces and detraction from neighbourhood character.

At present, we only let out six rooms in the property. All of the rooms are strictly for single occupancy. A tenant co-habiting with another person in their room would present a serious breach of their tenancy agreement, a breach that we would promptly address.

The number of upstairs bedrooms at the property has remained the same since the previous owner. Given the single occupancy nature of the tenancies, the number of people overlooking a neighbour may in fact be fewer than they could have been, for example, should a large family have occupied the house. Moreover, our experience has been that there tends to be less disruption and noise with our tenants than there might be with a large family.

Regarding parking, of our six current tenants, five have cars, all of whom park at the property on the private driveway. Any obstruction to neighbouring driveways to date cannot have been caused by our tenants.

Regarding the 'pending development' referred to by both our neighbours in their objections, we have indeed had draft plans drawn up for a detached annex, which we have shared with both sets of neighbours out of courtesy for their information and as part of a preliminary consultation with them. We also had a pre-application meeting with the planning officer, Joy Brown, about the prospect of replacing the garage with a dwelling. Obviously, plans for a new dwelling in this location are distinct from this planning application and will be raised via a separate planning application should we decide to do so in the future. Contrary to any concern raised, no development work has begun on a new dwelling.

Finally, we do not share the concern that an HMO operated by us detracts from the area and believe a house of seven young professional working people, vetted and overseen by us, should be welcomed.

Our tenants are all professionals aged 23-38, working in the private sector or as key workers, and our referencing procedure is thorough to ensure high calibre tenants for our own peace of mind. We believe we are providing a genuinely valuable service and high quality accommodation that achieves a standard that is of a different order to the majority of the room rental market both in Norwich as well as nationally. Indeed, our neighbour at 107 Catton Grove Road commented the standard was "like a hotel" when she was shown around the house just before our first tenants moved in.

We have given our immediate neighbours our contact details, and have not received any complaints about our tenants or the property directly from them to date.

Part 2
I can confirm that access to the back of the garden has now been instituted. Photo added to the Powerpoint presentation.

For information, we will be keeping the fence - and moving it to the edge of the patio retaining wall in order to optimise privacy for the two ground floor rear bedrooms

**Officer response**

- No further comments to what has already been stated in main issues 1, 2 and 3 of the report. Officers have also recommended a condition restricting the number of occupants in the HMO to 7 on a 1 tenant per lettable room basis at any one time.
- Condition 5 recommended that the internal fence be removed to ensure that the occupants have full access to entirety of the rear amenity area. The applicant's submission that partial retention of the fence will improve the privacy of the occupants is accepted. It is therefore recommended that, this condition be amended to state that '*The existing fence and access be retained in a state that facilitates easy access for the occupants to the entirety of the rear of the site and retained as such thereafter*.'

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**Application no:15/00453/F**
**Item 5(G) page 127**

Two additional letters submitted from persons that have already made representation on the application:

The first letter requests that the committee be advised of the statements of objections submitted by neighbouring properties and the comments made by the Norwich Society.

**Response:**
All letters of representation and the comments of The Norwich Society have been uploaded and are available to view using the council's public access facility.

The second letter raises no additional objections to the case to those already made but instead raises concern that the type of development proposed will set a precedent for semi-detached homes in the area running the danger of there being an inadequate supply of 'in-between' homes for families to move into, consequently pricing families out of the area.