

DEVELOPMENT MANAGEMENT COMMITTEE

ADDENDUM REPORT

26th JULY 2023

UPDATES TO PLANNING APPLICATIONS: Report 2 of 2

Item 5

Application 06/22/0612/CU : 128-129 Nelson Road Central, Great Yarmouth NR30 2JY

- A number of attempts were made to gain access inside the property during the application process, including one instance where the applicant did not attend so access was not possible before this morning. To date the agent has assured the LPA that details submitted as part of the application were accurate.
- A site visit on the 26th July finally gained access inside the flat. This site visit revealed a number of issues with the application, which differ from the information submitted with the application. The changes in circumstance prevent Officers from considering the application as they had done to date.
- As a result, the Officer's recommendation has changed. Officers now recommend that the Committee REFUSE the application.
- The following problems have been identified with the application:
 - i) Current Use:
The site visit revealed that the description of development is inaccurate, and the property is not currently in use as a C4 HMO because only 2 people live there currently. As such, the property is not a retrospective application and currently in C3 residential use. A more accurate description instead would therefore be for the Proposed change of use of the first/second floor flat to a C4 House of Multiple Occupation (HMO), but even today the applicant's agent has stated the HMO use is active and therefore in the applicant's opinion a retrospective application.
 - ii) Not a continuous use:
Therefore paragraph 1.3 of the committee report is no longer accurate. This also means for clarity that the proposal would not be eligible for a lawful development certificate for established use as the use can not be said to be continuous as a HMO for 10 years.
 - iii) Inaccurate floor plans:
The submitted floor plans do not show an accurate layout because the 'communal room' is not accessible. The room labelled as 'communal living' on plan 1719/1 is being used as a bedroom. Therefore, the situation as described in paragraph 9.1 of the committee report is different in practice to that which is presented.
 - iv) Amenity

The submitted plans do not show that the only access into the 'communal room' is through 'room 1' which the site visit revealed today. This is not considered to be acceptable and, whether this is in use as a communal living space or as an additional bedroom, it would infringe on the privacy of residents and would create an unacceptable level of disturbance to occupiers of 'room 1'. This is contrary to Core Strategy Policy CS09 F and Local Plan Part 2 Policy A1 – contrary to paragraph 9.2 of the committee report.

v) Refuse Storage

The site visit also revealed the existing domestic waste from the flat is being disposed of within the commercial waste – not within the alley way as the application form and plans show, nor as described in paragraph 8.2 of the committee report. Whilst planning cannot change the existing refuse storage situation for the current flat, the application process does represent an opportunity to improve the situation and ensure there is appropriate refuse storage provided in a suitable location of a suitable size for a HMO.

There is no space to store bins within the rear area of the passageway without causing an unacceptable obstruction, contrary to what is indicated on the plans. Permanent storage of bins on the pavement of Rodney Road is also not considered acceptable in terms of visual impact on the street scene – especially given the relationship with the Conservation Area opposite - and odours outside of the Colonel H Public House. This is contrary to policy H12 A which expects that *"there must be provision of adequate practical bin storage for the number of potential occupants out of sight from the street such as within the curtilage to the rear of the property, or in covered bin storage within a frontage curtilage, of a scale and of a design which maintains or improves the character and amenity of the area;"*

Amended Recommendation

In light of the concerns expressed above, the Officer recommendation at section 14 of the report is changed. Committee is now recommended to REFUSE the application for the following reasons:

1. There is inadequate space within the control of the applicant to provide the required bin storage needed for a C4 HMO to the level expected by Local Plan Part 2 Policy H12 whilst maintaining appropriate levels of amenity and safety for occupants and neighbours. The proposed location of refuse bin storage in the shared alleyway is not considered acceptable and would act as an obstacle to the rear access and to other properties which utilise the alleyway. The application is therefore contrary to Local Plan Part 2 (2021) Policy H12 A.
2. As a retrospective application the floor plans do not match the internal layout of the application site, and in practice the room labelled as 'communal living' is only accessible through the bedroom labelled 'room 1' on the plans. This would be detrimental to the amenity of occupants of room 1 and would lead to an oppressive living environment for the occupant of room 1 by virtue of offering an unacceptably minimal level of privacy and frequent disturbances. This is contrary to Core Strategy (2015) Policy CS09 F and Local Plan Part 2 (2021) Policy A1.
3. The plans submitted as part of this application have not proven to be accurate and therefore, due to a lack of detail, it is not possible to be sure that the layout is correct and the necessary standards of residential amenity can be achieved; it is not considered that using appropriate conditions would be able to rectify this.