

<b>Report to Date</b>	Planning applications committee 5 June 2014
<b>Report of Subject</b>	Head of planning services 14/00396/F Little Timbers 2 South Park Avenue Norwich NR4 7AU

## SUMMARY

<b>Description:</b>	Erection of 1 no. eight person house in multiple occupation (HMO) (Sui Generis).
<b>Reason for consideration at Committee:</b>	Objection and member referral
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Eaton
<b>Contact Officer:</b>	Mr John Dougan Planner 01603 212504
<b>Valid Date:</b>	28 March 2014
<b>Applicant:</b>	Mrs L Warren
<b>Agent:</b>	Anglia Design LLP

## INTRODUCTION

## The Site

## Location and Context

1. The character of the wider area is residential, consisting of various style of dwelling. However, it is noted that the area in the immediate vicinity is of a mix of uses, with the dwelling style being the small bungalows on Caroline Court.
2. A key characteristic of this stretch of South Park Avenue is that it can be quite congested due to its proximity to the traffic lighted intersection with the ring road and nearby schools. The northern side of the South Park Avenue is also characterised by the extensive mature trees which run along the historic park boundary, its entrance and the boundary of the application site.
3. It was also observed that the area is not a controlled parking zone and there are nearby bus stops providing a frequent 24 hour bus services to the University and city centre. There is a local retail centre some 200 metres to the north providing a range of services including a pharmacy, shop and fast food establishments.
4. The site is situated between no. 1 Caroline Court to the north, Eaton Park along the south west boundary, no. 13 Caroline Court and the Farmhouse pub to the north east, and the Schools opposite, to the south east.
5. The site is wedge shaped and originally contained a single storey detached house fronting South Park Avenue on the southern corner with Caroline Court, a public and unclassified highway cul-de-sac. It was set back from the highway within a modest front garden, which included vehicular access onto South Park Avenue and

via Caroline Court. The original dwelling has now been demolished but a new double gate has been added to the access on Caroline Court.

6. The site (the original plot and gardens) is relatively overgrown having significant landscaping in the form of mature Laurel hedge along the majority of the boundary to Caroline Court, sporadic landscaping to the South Park Avenue frontage and less dense hedging / close boarded fencing to the boundary with Eaton Park.

## **Constraints**

7. There are no specific constraints associated with the site. However there are numerous trees and hedging on the adjoining land to the south and north. The site is not in a conservation area.
8. 2 South Park Avenue ('Little Timbers') is adjacent to the entrance of Eaton Park, a registered Historic Park and Garden, which is also designated as a publicly accessible recreational open space on the adopted Proposals Map and included in the English Heritage Register of Listed Parks and Gardens. In addition, there are preserved trees around the Farmhouse PH and within Caroline Court and there are important trees and hedging in close proximity to the site.

## **Planning History**

- 4/2001/0037/O - Subdivision of curtilage to provide site for single dwelling. Committee refusal 1/3/01.
- 4/2001/0938/O - Sub-division of curtilage to provide site for single dwelling. Committee refusal 06.12.2001, appeal dismissed August 2002.
- 4/2003/0220/O - Sub-division of curtilage & erection of single dwelling. Committee refusal 15.05.2003, appeal dismissed March 2004.
- 05/01141/F - Subdivision of curtilage and construction of single-storey, flat-roofed dwelling. Delegated refusal 04.01.2006.
- 07/00228/F - Subdivision of curtilage and construction of single-storey super-eco timber framed dwelling house with associated amenity areas. Delegated refusal 27.04.2007.
- 07/01339/F - Subdivision of curtilage and construction and erection of super-eco single-storey one bedroomed retirement dwelling with associated amenity areas. Delegated refusal 07.03.2008, appeal dismissed 20.02.2009.
- 09/01548/F – Erection of replacement two storey dwelling. Delegated refusal 18.03.2010.
- 10/01730/F - Replacement Dwelling With Attached Garage. Delegated refusal 31.12.10.
- 11/01053/F – Erection of replacement dwelling with associated parking area. (APPR – 23/08/2011). Appeal against the imposition of condition 9 dismissed 02.07.12.

## **Equality and Diversity Issues**

There are no significant equality or diversity issues.

## The Proposal

9. Erection of a one and a half storey house in multiple occupation comprising 8 bedrooms.
10. The site will be accessed from an extant access from South Park Avenue leading to an on-site turning area and three parking spaces and cycle / bin storage.
11. The proposal also includes a large rear garden area which can be access via an extant access from Caroline Court. It also includes the retention of existing boundary treatment to Caroline Court and Eaton Park in the form of hedging and trees.
12. The proposed building occupies the same footprint and is of the same scale and design to the unimplemented approval of August 2011 (11/01053/F).

## Representations Received

13. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
The use and building out in keeping with the character of the area	Paras 20 - 24
The plot is of an insufficient size for a building and use of this scale.	Paras 25-34 and 32-34
Adverse impact on the historic park.	Paras 23-24 and 30-31
Excessive noise and anti-social behaviour.	Paras 22-24 and 35 - 38
Concern that future development in the garden would compromise our amenity.	Paras 32-34 and 38
Lacking of parking leading to parking on Caroline Court.	Paras 41-44
Adverse impact on highway safety of an already congested road.	Paras 39-40
Concern that lack of maintenance of the house and garden would have a detrimental impact on the appearance of the park.	Paras 23-24
Insufficient space within the site for cars to exit in a forwards gear.	Para 41
The development would have a negative impact on property prices on Caroline Court	This is not a material planning consideration

14. Cllr Judith Lubbock has also objected for the reasons outlined below and has requested the application be determined by Planning Committee:

- This is an inappropriate development on a small site which to one side has

- small family bungalows and to the other a heritage park, Eaton Park.
- South Park Avenue is a very busy road with regular buses - route 25 every 10 minutes and the proposed dwelling is opposite a very busy access for 3 schools. The plans show parking on site for 3 vehicles for the 8 bedsits - this is inadequate as there are often students with cars and if there were just 4 cars there would be no room for turning to exit the site in forward gear. At peak times of the morning and afternoon this stretch of road is very congested and becomes dangerous with school children, parents parking, buses regularly travelling along the road and school transport vehicles from the Clare Special school exiting the access. In addition there is no off-site parking in the area. This is over development in an inappropriate location. There is no other development of this type in Eaton and the surrounding areas. It would be more appropriate for this development to be on the University campus and not in a residential area.

## **Consultation Responses**

15. Transportation – No objection subject to cycle storage for 8 residents and visitors with any hard standing being of a porous material.
16. Private sector housing – The HMO meet a series of standards to meet the needs of 8 occupants including fire safety, kitchen layout and facilities.
17. Parks open spaces and play – no comments received.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **National Planning Policy Framework:**

- Statement 6 – Delivering a wider choice of high quality homes
- Statement 7- Requiring good design
- Statement 11- Conserving and enhancing the natural environment
- Statement 12 – Conserving and enhancing the historic environment

### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery

### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

- HOU18 – Construction of / conversion to houses in multiple occupation
- HBE12 – High quality of design, with special attention to height, scale, massing and form of development
- EP16 Water conservation
- EP22 – High standard of residential amenity
- NE1 – Protection of environmental assets from inappropriate development
- NE3 – Tree protection
- NE8 – Management of features of wildlife importance and biodiversity
- TRA6 – Parking standards (maxima)
- TRA7 – Cycle parking standards

- TRA8 – Servicing provision
- SR8 – Protection of historic parks and gardens

### **Supplementary Planning Documents and Guidance**

- Amenity standards in houses in multiple occupation

### **Other Material Considerations**

- Written Ministerial Statement: Planning for Growth March 2011
- Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

### **Development Management Policies Development Plan Document – Pre-submission policies (April 2013).**

- DM2 - Ensuring satisfactory living and working conditions
- DM3 - Delivering high quality design
- DM6 - Protecting and enhancing the natural environment
- DM7 - Trees and development
- DM9 – Safeguarding Norwich's heritage
- DM12 – Ensuring well planned housing development
- DM13 – Flats, bedsits and larger HMO's
- DM28 – Encouraging sustainable travel
- DM30 – Access and highway safety
- DM31 – Car parking and servicing

### **Procedural Matters Relating to the Development Plan and the NPPF**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2.

Policy DM3 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to local distinctiveness. Therefore significant weight can be applied to this element of the policy.

Policy DM9 has no objections so significant weight can be applied.

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

Policy DM13 has no objections so significant weight can be applied.

Policy DM30 is subject to an objection relating to the provision of accesses, it is considered that limited weight be given to this policy.

Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given the car parking standards of this policy at the present time with substantive weight to the other matters.

### **Housing supply**

A recent appeal decision has identified that the council does not have a five-year housing land supply for the greater Norwich area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance sui-generis HMO's are considered to contribute to the 5 year housing land supply and this means that policy HOU18 of the local plan can be given no weight in determining this planning application.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and those relevant policies for the supply of housing should not be considered up-to-date.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or
- Specific policies in the NPPF indicate development should be restricted".

## **Principle of Development**

### **Policy Considerations**

18. The principle of a building of the same scale and design has already been established in recent planning approval. Statement 6 of the NPPF requires that local authorities deliver a wide choice of high quality homes. An HMO is considered to form part of the mix of residential accommodation, contributing to the City housing stock.
19. The site is considered to be an accessible location, there being nearby bus stops providing access to the city centre and university, a cycle route, services within the nearby local retail centre and Eaton Park, all of which are within walking distance of the site.
20. Given that no weight can be given to policy HOU18, the key policy to be used in establishing the principle is emerging policy DM13 and also policies within the NPPF.
21. Under emerging policy DM13 the principle of an HMO (sui generis) is considered to be acceptable subject to meeting the following criteria:
  - Protecting the amenities of neighbouring properties;

- The proposals not compromising wider regeneration proposals;
- Being appropriate to the character and amenity of the local area;
- The proposals contribute to achieving a diverse mix of uses within the locality;
- Layout and design including provision of adequate private amenity space, bin storage and drying areas as well as safe access, parking and servicing facilities.

In terms of wider regeneration proposals there are no such proposals covering or adjacent to the site. With regard to the mix of uses this proposals are considered to contribute to such a mix. The above criteria are considered in more detail below.

### **Character**

22. It is acknowledged that Caroline Court is a relatively secluded location comprising small scale bungalows and that there are no HMO's along this stretch of South Park Avenue. Nevertheless it also has to be noted that there is a mixture of uses in the immediate vicinity of the site including schools, a pub, an historic park all of which have varying activities and noise levels associated with them all of which contribute to the existing character and local distinctiveness of the area.

23. The number of occupants associated with an HMO will be higher than would normally be associated with a conventional residential dwelling (use class C3). Furthermore, each bedroom would comprise of separate individuals, in effect having a different set of movements and activities compared to that of a conventional family home. For example, each occupant might work in a different place of work, meaning that movements to and from the site are likely to varied over the course of a day.

24. Concern has been raised that the student occupants are likely to have certain types of activity or noise which would have an adverse impact on the character of the area. Examples cited include late night parties and not maintaining the property or the grounds.

25. The proposal is not for student accommodation, but for an HMO in which any un-connected persons can live. Furthermore, there are no specific policies in place to restrict the creation of new HMO's and in this instance no evidence to suggest that particular sections of society such as students would have a negative effect on the character of the area. It is therefore quite important that the Council do not make unqualified value judgements on who might live in the HMO. Any incidences of anti-social behaviour would be assessed on a case by case basis by the appropriate authorities.

### **Scale, design and layout**

26. The key policies relevant to this section are HBE12 and emerging policies DM3 and Emerging policies DM3 and DM13 add additional elements which are relevant when determining the acceptability of a proposal i.e. character, local distinctiveness and the amenity of the area. The policy emphasises the importance of local character and distinctiveness and ensuring that the new development relates to and enhances key landscape and townscape elements as well as the wider amenity of the area.

27. A previous application was refused as it was considered that the scale, mass and form of the development were unacceptable, the proposed layout of the site was not appropriate and that the proposal would have a detrimental impact on the visual amenities and character of the area, including the setting of the adjoining historic park.

28. Caroline Court and this part of South Park Avenue are characterised by relatively low buildings which are seen against a backdrop of trees. The two-storey Farmhouse Public House, traditional in its design, faces onto South Park Avenue at its junction with Colman Road, which forms part of the Outer Ring Road and is a prominent building which is dominant in this location. The surrounding dwellings of Caroline Court are flat roofed and have a much lower impact in the street scene, particularly when viewed from the north or east against the backdrop of the large trees of the Historic park. The park and associated landscaping are considered to be key elements that contribute to the areas local distinctiveness. On the south-east side of South Park Avenue, the school is also of traditional design, with single storey sections linking traditional gable fronted buildings of a modest size.
29. The buildings of Caroline Court and the existing bungalow on the application site are of a low height and scale and are relatively unobtrusive in the streetscene. By contrast, the main school building and the Farmhouse PH are much more visually dominant, whilst enabling clear views of the mature trees and hedges around the sites and in the park to remain visually prominent within the immediate area.
30. As previously mentioned, the current proposal is of the same scale, design and layout as a previous approval (11/01053/F), resulting in a proposal which is not considered to be dominant in the streetscene and generally being much more sympathetic to the area as a whole. The scale is also considered to be more in keeping with the scale of the former demolished dwelling and relates more positively with the dwellings on Caroline Court.
31. Policies NE1 and SR8 are also important considerations as these seek to protect the character and environmental quality of the historic park and the local area. The scale and design in conjunction with the soft boundary treatments, it is considered that the proposal would not cause significant harm to the visual amenity or the character and historic form of the historic park.
32. Therefore it is considered that the proposal is acceptable in terms of its design as appropriate attention has been given to the height, scale, mass and form. Furthermore the proposal integrates successfully with the sensitive historic environment. The proposed materials are also considered acceptable, although to ensure a high quality design further details of the materials should be conditioned.

## **Impact on Living Conditions**

### **Future residents**

33. The internal layout of the building forms two floors and has been designed to accommodate approximately 8 residents. This includes the provision of 8 bedrooms all of which have en-suites, a communal toilet and an open plan lounge/dinning/kitchen area. Such an arrangement has the capacity to accommodate the level of facilities needed to accommodate between 8-10 residents.
34. The proposal includes an area of useable private outdoor amenity space to the rear. Reinstating the double gates on Caroline Close will make this area private for the occupiers of the site. The site is a wedge shape with the widest area onto South Park Avenue. The configuration of the site is such that overdevelopment of the site has been identified as an issue in previous applications. The previous approval imposed a condition removing permitted development rights to ensure that



a sufficient area of private useable outdoor amenity space is retained. It is suggested that a similar condition is imposed on any permission granted pursuant to this application.

35. Furthermore, to ensure that the front garden area and parking and turning areas make a positive contribution to the street scene and the appearance of the proposed dwelling, as well as being low maintenance to accord with policy DM13, the finer details for the hard and soft landscaping should form a condition of any permission.

### **Neighbouring amenity**

36. In light of the boundary treatments, the distances involved, the positioning of windows and the height of the proposal, it is not considered that the building will have a detrimental impact upon the living conditions of any of the neighbouring residents taking into consideration loss of light, overshadowing and overlooking. The proposal therefore accords with policy EP22 of the local plan and emerging policies DM2 and DM12.
37. Concern has been raised about the level of noise generated by the likely tenants e.g. students having late night parties or allowing the premises and grounds to fall into a state of disrepair. It is acknowledged that the type of activities associated with the HMO would be different to a family home. For example, each occupant might work in a different place of work, meaning that movements to and from the site are likely to varied over the course of a day.
38. The proposal is not for student accommodation, but for an HMO in which any un-connected persons can live. Furthermore, there are no specific policies in place to restrict the creation of new HMO's and in this instance no evidence to suggest that particular sections of society such as students would generate more levels of noise than others. It is therefore quite important the Council do not make unqualified value judgements on who chooses to live in the HMO.
39. The proposals is a residential use in adjacent to other residential properties. The use is therefore not considered to be inconsistent. The proposal is not considered to be a noise generating use as outlined in emerging policy DM2. There are no reasonable grounds to suggest that such a use would generate levels of noise which would have a significant adverse impact on the amenity of nearby residents and wider area. Any incidences of anti-social behaviour would be assessed on a case by case basis by the appropriate authorities.

## **Transport and Access**

### **Vehicular Access**

40. Saved policy TRA5 reinforces the need for design which makes appropriate provision in terms of layout for access and parking. The accesses onto South Park Avenue and Caroline Court are both existing. The main vehicular access to the proposed dwelling is off South Park Avenue. It would be preferable for the access off Caroline Court to be for pedestrian use only however given that it already exists, it is considered that it would be unreasonable to require that vehicular access is removed altogether.

41. It is also not considered that a development of this scale would intensify the use of the access to a level which would result in a significant adverse impact on highway safety. The transportation team are of the view that there are adequate waiting restrictions adjacent to protect the junctions.

### **Parking and servicing**

42. Three parking spaces are provided, meeting the maximum parking requirements for a use of this scale. There is also sufficient space within the site to enable cars to exit in a forward gear. It is acknowledged that some residents or visitors may choose to occasionally park on Caroline Court possibly causing annoyance to some of the residents.
43. Adding additional parking spaces and resulting removal grass or soft landscaping would have a negative effect on the visual amenities of the street scene and also reduce the levels of private amenity space for the future residents.
44. It is also considered that an over-subscription of parking on the site would be at odds with Council policy which aims to reduce the reliance of the car and encourage use of sustainable modes of transport such as walking, buses and cycling.
45. The design of the site allows for bin storage and bike storage to the front of the dwelling. Although these are to be situated forward of the dwelling house, their visual impact will be minimal due to the existing hedge which is to be retained. In fact having the cycle storage in an accessible location to the front of the property will help encourage the use of cycles instead of the car. As such the size and positioning meets the policy requirements of local plan policy TRA7 and TRA8 and their provision and details should form a condition of any consent.

### **Water Conservation**

46. No details have been submitted as to how the development minimises the use of water. This matter is considered to be achievable so it is recommended that an appropriate condition be added to any approval.

### **Trees, landscaping and biodiversity**

47. An arboricultural implications assessment has been provided, highlighting how the development would protect trees within and outside the site. The Council's tree officer considers the methodology to be sufficient to ensure the protection of the trees such as the Lime and Beech indicated as T1 and T3 on the site plan.
48. The existing landscaping around the site, in particular the Laurel hedge to Caroline Court provide a significant level of screening which helps soften the appearance of the development and protect the amenities of the residents. It is therefore recommended that a condition be added to any approval requiring that the hedge be retained and that further details of soft and hard landscaping be submitted for approval.
49. The council's natural areas officer was not consulted on this application, however their comments from the previous application are still considered to be of particular relevance. The proposed development is unlikely to have any significant

biodiversity implications. However, any site clearance would ideally take place outside the bird breeding seasons (roughly March-August inclusive) to avoid disturbance to any birds nesting in nearby trees, shrubs and hedges. It is recommended that this timescale be conditioned in any approval.

## **Local Finance Considerations**

50. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. This must be balanced however with the other key consideration of residential amenity as outlined above.
51. The proposal will be liable for community infrastructure levy payments

## **Equality and Diversity Issues**

52. None

## **Conclusions**

53. The principle of an HMO (sui generis) is considered to be acceptable as it will contribute to the City housing stock, being in close proximity to local services and having access to sustainable modes of transport to the city centre/university, reducing the need for the ownership of a car.
54. The proposed building is considered to be sympathetic to the visual amenities of the street scene and the setting of the historic park. There is also no evidence to suggest that the use would have a detrimental impact on the character or local distinctiveness of the area.
55. The internal and external layout is considered adequate to serve the needs of the residents and will not result in any significant loss of amenity of nearby properties.
56. Any other matters such as tree protection, hard/soft landscaping and the protection of any wildlife are considered to be achievable and securable by condition.

## **RECOMMENDATIONS**

To approve Application No 14/00396/F Little Timbers 2 South Park Avenue and grant planning permission, subject to the following conditions:-

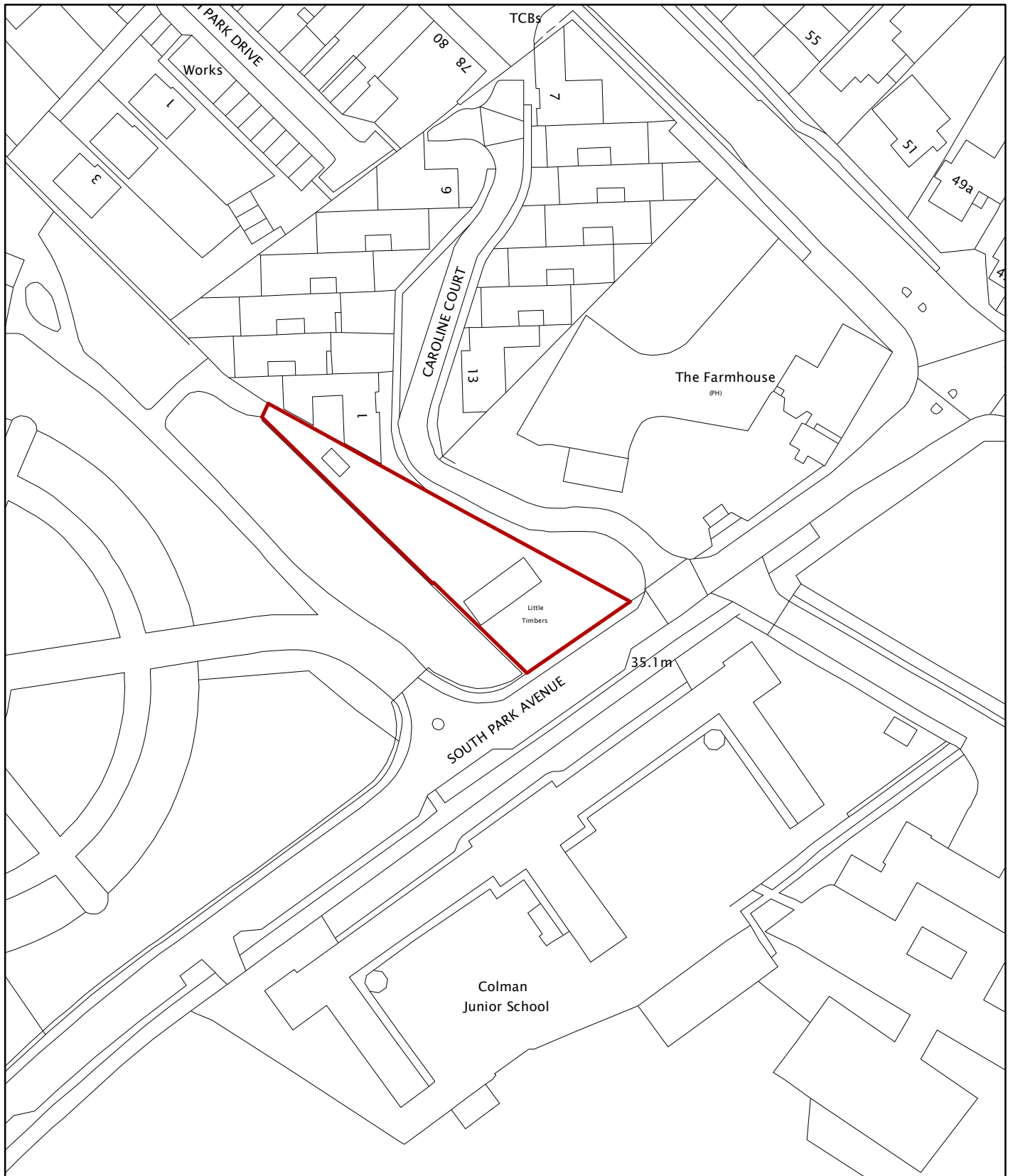
1. Time limit
2. In accordance with the approved plans
3. Submission of samples
4. Details of proposed finished floor levels and existing ground levels
5. Details of hard and soft landscaping (including the retention of the existing hedges
6. No occupation until the car parking area has been laid out and made available

for use

7. Submission of details of water conservation measures
8. In accordance with the tree protection plan
9. No site clearance during the bird nesting season.
10. Removal of permitted development rights for outbuildings/extensions.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.



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Planning Application No 14/00396/F

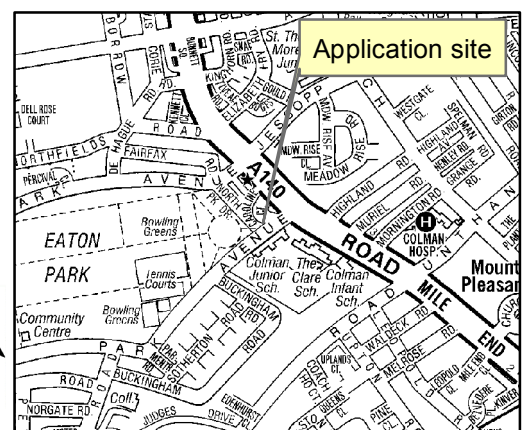
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2 South Park Avenue

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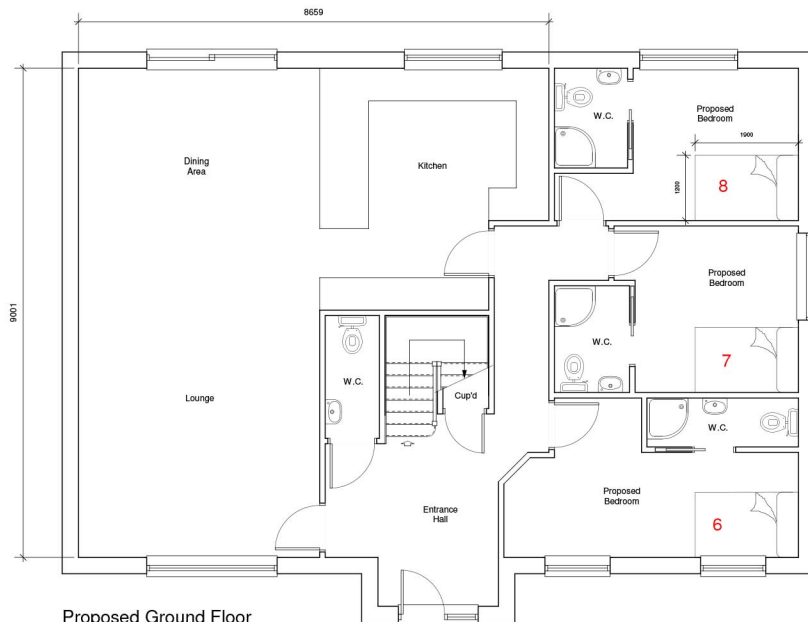
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PLANNING SERVICES

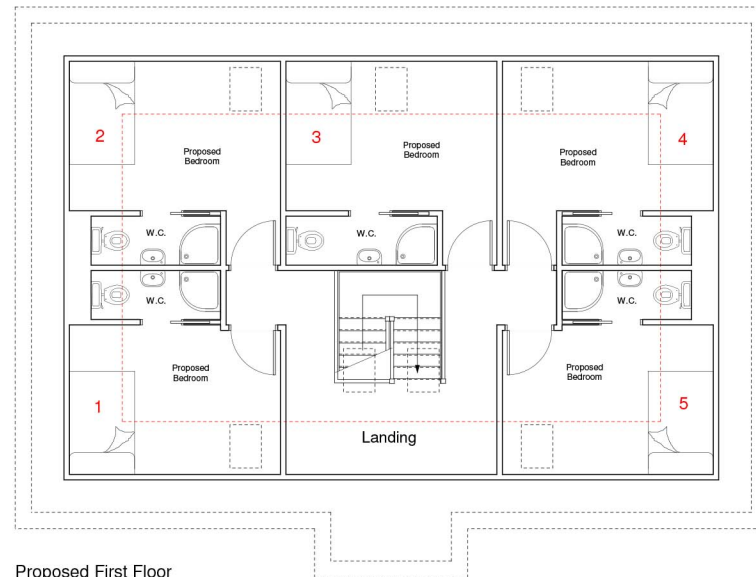




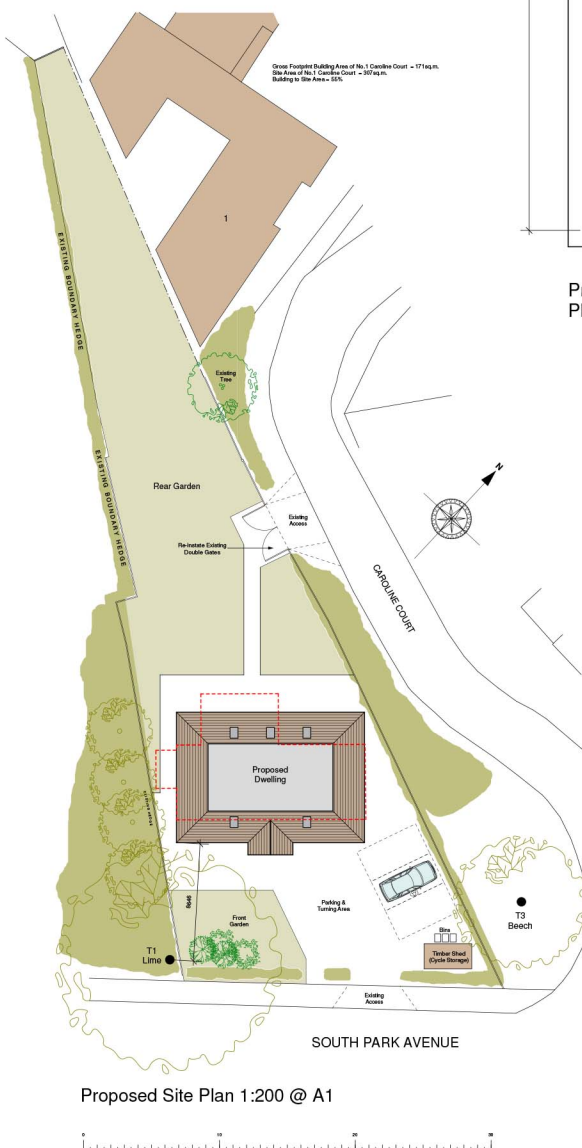
Site location Plan 1:1250



Proposed Ground Floor  
Plan 1:50 @ A1



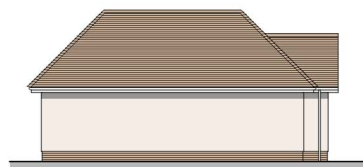
Proposed First Floor  
Plan 1:50 @ A1



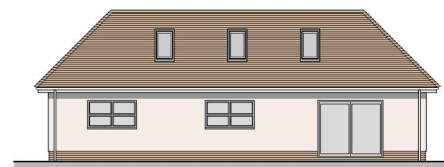
Proposed Site Plan 1:200 @ A1



Proposed Street Elevation 1:100 @ A1



Proposed Side Elevation 1:100 @ A1



Proposed Rear Elevation 1:100 @ A1



Proposed Side Elevation 1:100 @ A1



Proposed Front Elevation 1:100 @ A1

## REVISED PLANNING ISSUE

**Erection of a Replacement Building to form a 1No.  
8 Bed Home of Multiple Occupation (Sui Generis)  
at Little Timbers, No. 2 South Park Avenue,  
Norwich, Norfolk.  
For Mrs. L. A. Warren**

Date: Feb 2014 Scale: 1:100, 1:50 Dwg No. TL-2857-14-1  
Proposed Plans & Elevations

**Anglia Design**

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