

Report to Planning applications committee

Item

12 May 2016

Report of Head of planning services

Subject Application no 15/01867/F - 145 & 147 Earlham Road, Norwich, NR2 3RG

Reason for referral Objection

4(i)

Ward:	Nelson
Case officer	Kian Saedi - kiansaedi@norwich.gov.uk

Development proposal		
Change of use to two large Houses in Multiple Occupation (HMO, class Sui Generis), including a side conservatory extension and associated alterations.		
Representations		
Object	Comment	Support
56	0	1

Main issues	Key considerations
1 Principle of the development	Loss of housing, satisfying criteria of DM12 and DM13
2 Landscaping, design and open space	Loss of trees/gardens, creation hardstanding area for car parking, impact on character of surrounding area
3 Transport	Access, parking, suitability of low car/car free development, highway safety, cycle parking, rights of access
4 Amenity	Internal living conditions for future occupiers, noise and disturbance, overlooking
Expiry date	3 February 2016 extended to 19 May 2016
Recommendation	Approval subject to conditions



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Planning Application No 15/01867/F

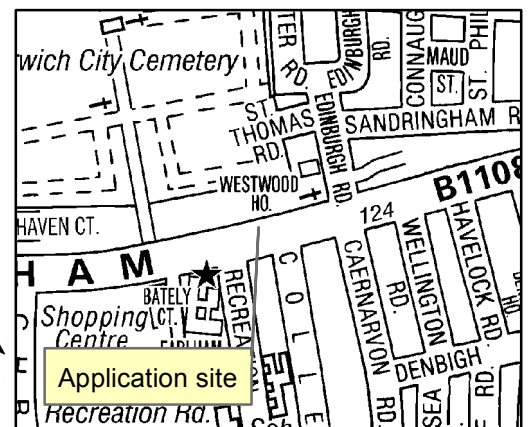
Site Address 145 & 147 Earham Road

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is located on the north side of Earlham Road opposite the junction with College Road. The surrounding area is predominantly residential, characterised by two-storey terraced properties. Several locally listed buildings are located opposite the site on the south side of the road.
2. The site is ~70 metres beyond the nearest district centre, which is located at the corner of Earlham Road and Recreation Road.
3. The site is also located within a Critical Drainage Area as identified on the local plan policies map.

Constraints

4. Critical Drainage Area (DM5).

Relevant planning history

5.

Ref	Proposal	Decision	Date
07/00692/U	Change of Use from guesthouse to private residence.	APPR	18/07/2007
14/01400/U	Change of use from residential (Class C3) to use as a bed and breakfast (Class C1).	REF	03/12/2014
15/00003/F	Change of use of main part of existing building to Bed and Breakfast accommodation and conversion of rear of building to 1 no. flat.	APPR	15/06/2015

The proposal

6. The application seeks the conversion of 145 Earlham Road which is currently a C3 dwelling house and 147 Earlham Road which is currently a C1 Bed and Breakfast, to two 7-bed HMOs (Suit Generis).
7. Part of the proposal involves creating a parking area at the front of the site with capacity for five cars. This area was previously planted and turfed but has since been cleared of vegetation with the exception of a single tree.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	2
No. of affordable dwellings	N/A
Total floorspace	469 sq.m
No. of storeys	2.5
Transport matters	
Vehicular access	As existing
No of car parking spaces	5
No of cycle parking spaces	To be agreed by condition. Will be seeking 1:1 provision.
Servicing arrangements	The application states that a building management strategy will be employed to move bins to a collection point. Planning permission would be conditioned to require further details of refuse storage to ensure adequate servicing arrangements.

Representations

8. Adjacent and neighbouring properties have been notified in writing. 57 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Harm to the character of the area resulting from an over-intensive form of development and loss of front garden	Main issue 2
Inadequate on-site parking/failure to satisfy the council's parking standards	Main issue 3
Inadequate parking in surrounding area. The proposal will further add to existing parking pressures.	Main issue 3

Issues raised	Response
Disruption to traffic from vehicles entering and leaving the site.	Main issue 3
Harm to highway safety – poor visibility leaving the site, more vehicles crossing pavement, potential for vehicles to overshoot elevated parking area.	Main issue 2 and 3
Parking area too small to enable vehicles to enter and leave in a forward gear.	Main issue 3
Inadequate facilities in each HMO to adequately accommodate future residents.	Main issue 4
Over-intensification of site resulting in noise and disturbances to surrounding area.	Main issue 4
Smells and fumes. This will be even greater given the potential number of occupants.	Main issue 4
How will the use of the building and number of residents be managed and policed?	Main issue 4
Inadequate refuse storage and cycle parking	Main issue 3. Details of refuse storage and are to be secured by condition to ensure adequate servicing arrangements.
Rights of access – Number 147 will have no legal right of access over the driveway.	Main issue 3
Loss of trees	Main issue 2
The number of recent applications at the site indicates that the applicant is trying to circumvent the constraints of planning law to obtain their objective. Should the application be approved then this will indicate that the council have not taken into account the views of and concerns of the local residents.	Other matters
The proposed development will increase the risk of surface-water run-off and flooding.	Paragraph 50
The application has not been advertised properly.	Other matters
Likelihood of end users being itinerant which will be detrimental to the wider community.	Noted
The proposal will increase pressure on local	The potential occupancy numbers are not high enough to present any

Issues raised	Response
infrastructure/services.	significant increase in pressure upon local infrastructure and services.
Since the application constitutes a material change of use for each property it follows that two separate applications should be applied for.	The application site includes both properties and both can be assessed under the same application.
Given the previous refusal (14/01400/F) for similar development why is the current application being considered?	The current proposal is different to that refused under 14/01400/F and has been assessed on its own merits.
Harm to property values in the surrounding area.	Not a material planning consideration.
Why have works to facilitate the proposed development been allowed to continue in the absence of planning consent being granted?	The internal and external works that have taken place have not required planning permission. Should planning permission be refused the two properties would not be permitted to operate as large houses in multiple occupation.

Consultation responses

9. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Highways (local)

10. The revised site layout plan showing five car spaces via an established vehicle access is acceptable in principle, and there appears to be adequate space for a vehicle to exit in a forward gear.
11. With regard to the proposed use as HMOs; this is not dissimilar in traffic movements to a B&B or private residence. As occupants of HMOs tend to have lower incomes, car ownership is likely to be lower than average but I do not have exact figures to what extent.
12. The properties are adjacent to a high frequency bus route and local services are accessible on foot.
13. The properties are located on Earlham Road that is not currently within a Controlled Parking Zone, therefore any parking that cannot be accommodated on site would have to find parking in the local area which will be a source of considerable local concern.

14. While the increase in parking would not be acceptable to many it is not grounds for refusal given that parking is currently unrestricted.

Private sector housing

15. A number of issues were identified with the original submission (2 x 10-bed HMOs) including a lack of suitable kitchen area for storage/preparation/cooking, inappropriate siting of kitchen for occupants of the top floor, the rear g/f room only having access through the kitchen and inadequate thermal comfort offered by the dining room/conservatory.
16. The application has since been revised to address these issues.

Assessment of planning considerations

Relevant development plan policies

17. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
18. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM11 Protecting against environmental hazards
 - DM13 Communal development and multiple occupation
 - DM15 Safeguarding the city's housing stock
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM32 Encouraging car free and low car housing

Other material considerations

19. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF4 Promoting sustainable transport

- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

Case Assessment

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

21. Key policies and NPPF paragraphs – DM12, DM13 and DM15, JCS4, NPPF paragraphs 49 and 14.
22. While the proposal will result in the loss of one C3 dwelling house, it will result in the creation of two 7-bed houses in multiple occupation. The NPPF states that planning authorities should deliver a wide choice of quality homes and plan for a mix of housing based on current and future demographic and market trends. Whilst the loss of the C3 dwelling is noted, the proposal would result in a net gain of one unit of accommodation and the two large HMOs would contribute towards providing a wider choice of accommodation in the area.
23. The principle of the proposed development is considered acceptable subject to satisfying policies DM12 and DM13 of the *local plan*, the associated criteria of which are discussed in the following sections below.

Main issue 2: Landscaping, design and open space

24. Key policies and NPPF paragraphs – DM3, DM8, DM12 and DM13, NPPF paragraphs 9, 17 and 56.
25. It is apparent that works to convert the two properties are well advanced and the former front gardens of 145 and 147 Earlham Road have largely been removed of the vegetation that previously characterised the two plots. The front gardens contributed positively to the appearance of the site and character of the street and the loss of the planting is therefore regrettable.
26. Whilst planning permission is required to hard surface the plot of land in front of 147 Earlham Road (the B&B), there are no planning restrictions preventing the removal of the vegetation and there are no trees on site protected by Tree Preservation Order (TPO).
27. The application proposes to provide car parking in the area of the former gardens and to undertake landscaping works to replace the previously removed planting. A detailed landscaping scheme will be secured by condition and it will be necessary

for a high quality planting schedule to come forward which is capable of improving the appearance of the site and mitigating for the harm already caused by the works that have taken place in the front gardens. Appropriate hedging and tree/shrub planting at the front of the site will ensure that the parking area is adequately screened from the street and that the biodiversity value of the former garden is replaced. The landscaping scheme should also be low maintenance and attractive to ensure its value is maintained leading into the future.

28. It will also be necessary to ensure that a small wall/barrier is installed between the back of the parking spaces and planting at the front to prevent and potential for cars to overshoot the parking area onto the pavement below.
29. With the exception of the landscaping works at the front of the property and removal of the brick conservatory at 147 Earlham Road, no other physical alterations are proposed for either building that are in need of assessment. The original submission had proposed conservatories for both properties which have since been removed from the scheme in response to amenity concerns. The external appearance of the buildings will otherwise remain as existing.
30. A large number of contributors have objected to the proposal on grounds of the potential harm to the character of the surrounding area and this is also an important consideration when assessing against policy DM12 of the *local plan*. The removal of the majority of planting from the front gardens has undoubtedly harmed the landscape value of the site and enhancements will be sought as part of the landscaping scheme in mitigation.
31. The proposal will create two 7-bed HMOs in place of a 9-bed B&B and 5-bed dwelling house. The occupancy levels of the two dwellings will be restricted by condition to a maximum of seven per dwelling which will prevent an over-intensification of the site, particularly in comparison to the current use which might otherwise result in disturbances to the locality and a change in the residential character of the site.
32. Subject to conditions requiring landscaping works to screen the parking area and restricting occupancy levels to no more than seven per dwelling, it is not considered that the proposal will adversely affect the character of the surrounding area.

Main issue 3: Transport

33. Key policies and NPPF paragraphs – JCS6, DM13, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
34. The original submission involved the creation of a new vehicle access from 147 Earlham Road, which has subsequently been removed due to concerns with highway safety, parking and potential highway obstruction. The current scheme utilises an existing and established vehicle access which is understood to benefit from a shared right of access between number 145 Earlham Road and the neighbouring property (number 143 Earlham Road).
35. The forecourt will accommodate a total of five parking spaces and sufficient space is provided to enable vehicles to enter and leave the site in a forward gear. The *local plan* does not set out parking standards for large HMOs (Sui Generis) but

such property types are more likely to be inhabited by people on lower incomes who are less likely to own a car.

36. Parking in the surrounding area is not controlled and is instead available to all on a first come first served basis. It is clear from the weight of public sentiment that parking availability in the surrounding area is currently stretched and there is considerable anxiety that the proposal will further reduce the parking space available to local residents. The scheme is however considered to be acceptable on transport grounds for the following reasons.
37. The site benefits from a high level of accessibility located as it is within close walking distance of a bus stop providing regular services to the city centre and wider area. The city centre is also within walking distance of the site and the Earlham House district centre is ~50 metres from the site where many services and facilities are available for residents. Given the high accessibility and connectedness of the site, the extent to which future residents will be dependent upon car ownership is much reduced and this is considered in conjunction with the lower levels of car ownership expected with occupiers of larger HMOs.
38. The position of the site adjacent to bus stops and immediately adjacent to the district centre also qualify it as suitable for car free/low car housing in accordance with policy DM32 of the *local plan*, which identifies the benefits of reducing the use of high emission vehicles in sustainable locations. DM32 also enables consideration of access to car club spaces when determining the suitability of car free/low car housing. A total of five additional car club spaces are planned to be deployed within the next 12 months in the vicinity of the site, two on Recreation Road, one on Caernarvon Road, one on Edinburgh Road and one on Havelock Road. The site is therefore considered to be suitable for car free/low car housing in accordance with policy DM32 of the *local plan*.
39. 145 Earlham Road is currently in lawful use as a five bed dwelling house (C3) and 147 Earlham Road as a B&B (Class C1), which provides nine bedrooms for guests. One parking space is currently provided on site for the residents of 145 Earlham Road. The proposal is for conversion to two 7-bed HMOs and a condition is to be imposed upon any planning permission restricting occupancy levels to seven people for each property. Notwithstanding the issues discussed above, the potential increase in car use at the site is not considered to be significantly greater than the potential for car use associated with the existing uses or indeed the use of the site permitted under application 15/00003/F.
40. The potential increase in vehicle movements in and out of the site is not considered great enough to result in any significant disruption to traffic flow in the highway. The vehicle access to the site is existing and long established and its use by five additional vehicles is not considered to represent a significant danger to pedestrian safety. Sufficient turning space is provided to enable vehicles to enter and leave the site in a forward gear.
41. The need to provide secure and covered cycle parking for future residents will be conditioned which will further encourage sustainable use of transport to and from the site.
42. The issue of whether the rights of access can be extended to the occupiers of 147 Earlham Road is one amounting to a separate civil legal matter. Should it transpire

that the occupiers of 147 cannot use the driveway to gain access to the parking area then the parking area would only be available to the occupiers of 145 Earlham Road. Given the suitability of the site for car free/low car housing this potential scenario is not considered to affect the acceptability of the proposal on transport and highway grounds.

Main issue 4: Amenity

43. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
44. Since its original submission the scheme has been amended to address concerns with the standard of amenity provided for future residents. This has involved reducing the number of bedrooms for each HMO from ten to seven in order to remove the rooms that were considered too small for occupancy and to provide additional living/kitchen facilities to accommodate the number of residents living in each property. The proposed conservatories have also been removed from the proposal as they were not considered to provide thermally appropriate dining areas and they also carried implications for the outlook from certain bedrooms in each proposed HMO.
45. The current scheme provides adequate living space for future occupiers in accordance with national space standards set by Central Government and the concerns previously raised by the council's housing officer have successfully been addressed.
46. Both properties benefit from very large rear gardens which provide high quality external amenity space for future residents. Secure and covered cycle parking and servicing facilities will be secured by condition and residents will otherwise benefit from ready access to local services and facilities at the nearby district centre.
47. Several contributors have raised concern with the potential for noise and disturbance resulting from an intensification of the site. The proposal is for two seven bed HMOs and planning permission will be conditioned to restrict occupancy levels to no more than seven people in each property. This is to ensure that the two properties provide adequate facilities to serve the number of occupants in each dwelling. The condition will also prevent uncontrolled occupancy levels at the site which may otherwise result in levels of activity with the potential to disturb the amenities of the surrounding area.
48. With the restrictive occupancy condition, the numbers of people living in the two properties will not intensify much above the numbers associated with the existing B&B and dwelling house. This will limit the opportunity for disturbances to the amenities of the surrounding area resulting from noise, smells and fumes. Should the occupancy levels increase above those permitted by the condition then the matter could be investigated as a matter of planning enforcement.
49. The application proposes obscure glazing in various windows in order to prevent overlooking and loss of privacy between neighbouring properties.

Compliance with other relevant development plan policies

50. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Refuse Storage/servicing	DM31	Yes subject to condition.
Sustainable urban drainage	DM3/5	Yes subject to condition. The site is located within a critical drainage area where a higher risk of surface water flooding is identified. The scheme involves hard surfacing the front gardens of each property and therefore carries the potential to increase the risk of surface water flooding at the site. Planning permission will be conditioned to require the installation of a sustainable urban drainage system in the car parking area and any hard surfacing will be required to be constructed of a porous material. These measures will ensure that the site benefits from a satisfactory drainage capacity.

Other matters

51. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
52. The recent planning history of the site has been set out in paragraph 5 of this report. Each application has been assessed based upon its own merits and against national and local planning policy. The comments of the public have been considered and taken into account in the assessment of each application.
53. The application has been advertised properly and in accordance with central government guidance as set out within the Development Management Procedures Order 2015.

Equalities and diversity issues

54. There are no significant equality or diversity issues.

Local finance considerations

55. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
56. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

57. In this case local finance considerations are not considered to be material to the case.

Conclusion

58. Subject to conditions the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 15/01867/F - 145 & 147 Earlham Road Norwich NR2 3RG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Detailed landscaping scheme to ensure adequate screening of car park, planting to mitigate for that lost in the front gardens which is easy to maintain and attractive, and installation of a wall/barrier to prevent cars overshooting onto pavement below;
4. Scheme to manage surface water run-off;
5. No occupation of development until details of cycle storage and servicing have been agreed and implemented. Details of servicing shall include a management scheme for the properties to elaborate upon that referenced in section 10 of the Design and Access Statement;
6. Any hardstanding to be constructed of porous material;
7. Installation of obscure glazing;
8. Each property shall be occupied by no more than 7 tenants, on a 1 tenant per lettable room basis, at any one time;

Article 35(2) statement

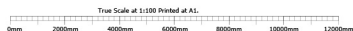
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application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

PROPOSED Loft Area - 145

Scale 1:100

PROPOSED Loft Area - 147

Scale 1:100



PROPOSED First Floor - 145

Scale 1:100

PROPOSED First Floor - 147

Scale 1:100



PROPOSED Ground Floor - 145

Scale 1:100

PROPOSED Ground Floor - 147

Scale 1:100



NOTES

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Rev:	Date:	By:	Amendment:
A	Nov 2015	JEB	Draft proposed floor plans
B	Nov 2015	JEB	Final proposed floor plans
C	Dec 2015	JEB	Planning Submission
D	Feb 2016	JEB	Planning Amendments
E	March '16	JEB	Planning amendments to reduce the number of HMO bedrooms to 7/10, per property, removal of proposed conservatories + parking provision reconfiguration
F	March '16	JEB	Bin storage added + 1st floor WC windows to be obscure glazed

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Also offices in Suffolk and London

Project Address:
145 + 147 Earlham Road

Norwich

NORFOLK

NR2 3RG

Client Name:

for Mr Jianping Liu

Project:
Proposed change of use planning application to HMO use class

Drawing Title:
Proposed floor plans

Drawn By:	Project Ref Number:
JEB	PD-14-243
Date:	Scale:
April 2015	1:100
	Drawing Number:
	005



PROPOSED Front Elevation - 145 + 147
Scale 1:100



PROPOSED Rear Elevation - 145 + 147
Scale 1:100



PROPOSED Side Elevation - 145
Scale 1:100



PROPOSED Side Elevation - 147
Scale 1:100

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Rev:	Date:	Int:	Amendment:
A	March '16	JEB	Planning amendments to reduce the number of HMO bedrooms to 7/no. per property, removal of proposed conservatories + parking provision reconfiguration
B	March '16	JEB	Bin storage added + 1st floor WC windows to be obscure glazed

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Project Address:
145 Earlham road
Norwich
NORFOLK
NR2 3RG

Client Name:
for Mr Jianping Liu
Project:
Proposed change of use planning application to HMO use class
Drawing Title:
Proposed elevations

Drawn By: Mark A. Funchal	Project Ref Number: PD-14-243
Date: Dec 2015	Scale: 1:100
	Drawing Number: 006

