Report to	Planning applications committee	**Item**
Date	2 October 2014	4C
Report of	Head of planning services	
Subject	Application no 14/00801/O 498 - 500 Earlham Road Norwich NR4 7HR	

SUMMARY

Description:	Outline application for the sub division of rear curtilage to erect 4 dwellings with all matters reserved.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	University
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	24th June 2014
Applicant:	
Agent:	Mr Peter Murrell

INTRODUCTION

The Site

Location and Context

1. 498-500 Earlham Road is located opposite the entrance to Beverley Road and currently sites two large semi-detached properties. Number 500 Earlham Road has been the subject of previous alterations and extensions to increase the size of the property and number 500 has recently been the subject of extensions and a change of use permission to convert to a House in Multiple Occupation (HMO).

2. The application site occupies part of the rear garden of both 498 and 500 Earlham Road with vehicular and pedestrian access provided from Russet Grove located south of Earlham Road.

Planning History

10/01025/F - Change of use from house in multiple occupation (3 - 6 residents - Class C4) to house in multiple occupation (more than 6 residents - Class Sui Generis) including the erection of an extension. (APPR - 10/08/2010)
13/00829/D - Details of Condition 6) details of secure cycle storage within the garage, refuse storage and recycling bin storage, Condition 7) details of surfacing materials and boundary treatments for the site frontage, Condition 8) details of the car parking layout of previous planning permission 10/01025/F 'Change of use from house in multiple occupation (3 - 6 residents - Class C4) to house in multiple occupation (more than 6 residents - Class Sui Generis) including the erection of an extension.' (APPR - 16/07/2013)
08/01185/F - Alterations and extensions to dwelling. (APPR - 02/01/2009)
09/00091/D - Condition 3 - details of the facing brickwork of previous planning application 08/01185/F 'Alterations and extensions to dwelling'. (APPR - 12/03/2009)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

3. The application seeks outline planning permission for the sub-division of the rear curtilage of 498-500 Earlham Road to erect four dwellings, with all matters reserved.

Representations Received

4. Adjacent and neighbouring properties have been notified in writing. Six letters of objection have been received citing the issues as summarised in the table below.

Issues Raised	Response
Further student accommodation is not suitable in this location; it should be on a campus.	Para.14
The proposal represents an over-development and will completely change the character of the plot	Para.24
Overshadowing/loss of daylight	Para.17
Harm to view	Para.21
The gardens would be reduced in size and be inadequate for the number of respective inhabitants	Paras 19-20
Overlooking/harm to privacy	Paras 15-16
Noise disturbance from high number of residents using what will become a smaller garden space	Para.13
The proposal would set a precedent which would lead to further infill development.	Para.25

Properties on Earlham Road would turn into an area of high density housing ruining character of area.	
Loss of trees	Paras 31-33
Inadequate parking arrangements	Paras.27-29

An additional two letters have been submitted by councillors and one letter from the Norwich Society which are summarised below:

Cllr Bremner:

"I object to the proposed development. The four dwellings in two back gardens would be an over-development, creating much more intensive use of the land. It is over-intensive.

With 500 Earlham Road and 498 each housing 9 students this will be high density totally out of character with the area. The possibility of 12 more at the bottom of the gardens will be too much.

The over-intensive development is totally out of character with the current houses on Earlham Road and the area and would set a precedent which would lead to further infill development of this nature.

Access is proposed via Salter Avenue (Though the flats behind are Russet Grove). How many residents of Russet Grove were told about this development? **[Note: Numbers 43-46 Russet Grove were sent notification letters by the council].**

There is a verge between the properties. Who owns that verge? **[Note: the verge is council-owned housing land].**

I ask that access across the verge is refused or a large fee for access is charged." **[Note: Agreement with NPS Norwich must be obtained to secure the vehicle accesses]**

Cllr Ryan:

"I object strongly to this planning application. If approved it could see up to 30 students living in accommodation on a site which previously housed two semi-detached properties.

It is unsuitable for the area, access is undetermined and it goes against our plans for building homes in Norwich. The development is too big and will have a detrimental effect on other homes in the area.

Near neighbours are unhappy with the plans too"

Norwich Society:

"We note that the description of the site refers to it being "brown field". This is not the case. We strongly object to this proposal for 4 additional houses. It is another extreme case of "garden grab" – Para.9.

"We objected to the application for the extensive alteration to the houses on Earlham Road and the proposed properties on this application are in the area of garden that remains. It is not in keeping with the surrounding properties and is gross overdevelopment which must be refused".

Consultation Responses

5. **Tree Protection Officer:** The proposed new bell-mouth to the drive of unit 1 will detrimentally impact on the RPA of the existing (Council owned) highway-verge tree [Maple]. S106 money should be factored in for street planting in the vicinity as this development will effectively create a new street frontage. There are no really significant individual trees affected within the sites but collectively the tree/hedge loss could be mitigated for; this could be achieved through the protection of the existing Maple tree and an appropriate S106 contribution.

6. **Transportation:** The proposed development is suitable in transportation terms for its location. Details of cycle storage, refuse storage and vehicle crossover to be conditioned.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Section 4 – Promoting sustainable transport
Section 6 – Delivering a wide choice of high quality homes
Section 7 – Requiring good design
Section 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014:

Policy 2 – Promoting good design
Policy 3 – Energy and water
Policy 4 – Housing delivery
Policy 6 – Access and transportation
Policy 12 – Remainder of Norwich area
Policy 20 - Implementation

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

NE3 - Tree protection, control of cutting and lopping
NE9 - Comprehensive landscaping scheme and tree planting
HBE12 - High quality of design in new developments
EP16 - Water conservation and sustainable drainage systems
EP22 - High standard of amenity for residential occupiers
TRA5 - Approach to design for vehicle movement and special needs
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision

Supplementary Planning Guidance, Supplementary Planning Documents Development Management Policies Development Plan Document – Pre-submission policies (April 2013)

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 2014 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. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Emerging DM Policies:

DM1 Achieving and delivering sustainable development
DM2* Ensuring satisfactory living and working conditions
DM3* Delivering high quality design
DM6* Protecting and enhancing the natural environment
DM7 Trees and development
DM12* Ensuring well-planned housing development
DM30* Access and highway safety
DM31 ***** Car parking and servicing

* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight has been applied in its context. However, the main thrust of ensuring adequate design is held in place through the relevant Local Plan policies listed above.

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 this means that policy HOU13 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 that 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".

Other Material Considerations including:
Written Ministerial Statement: Planning for Growth March 2011
Interim statement on the off-site provision of affordable housing December 2011
The Localism Act 2011 – s143 Local Finance Considerations

Supplementary Planning Documents and Guidance
National Planning Policy Guidance (NPPG) (March 2014)

Principle of Development

Policy Considerations

7. There is a presumption in favour of sustainable development within the National Planning Policy Framework. This requires development that accords with the development plan to be approved without delay.

8. The site is located in an established residential area in walking distance to bus routes serving the city centre and wider area where a variety of shops and services are available. The principle of residential development on the site is therefore considered to be acceptable subject to satisfying the requirements of development plan policies.

9. In 2010, the Government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land, changing the classification of gardens to Greenfield land in the process. This has been continued in the 2012 National Planning Policy Framework (NPPF) which states that local planning authorities should consider setting out policies to resist inappropriate development in residential gardens where it would be considered to harm the local area (paragraph 53). The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM 3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.

10. Subdivision of larger residential plots for new housing of appropriate scale and character has previously been accepted by the council and provided proposals are well conceived and appropriately sited there should not be a complete moratorium on garden subdivision and the delivery of new housing would also assist in the delivery of much needed housing as identified in policy 4 of the JCS.

11. The application site benefits from a plot sufficiently generous in size to enable the development of four properties whilst still providing adequate external amenity space for existing occupants at 498-500 Earlham Road and prospective residents of the new dwellings. Suitable vehicular access is provided from Russet Grove.

Housing Proposals

Affordable Housing

12. The proposal would create four new dwellings and would therefore fall short of the threshold requiring the delivery of affordable housing as set out in policy 4 of the JCS.

Impact on Living Conditions

Noise and Disturbance

13. Concern has been raised regarding the potential for noise and disturbance from a greater number of people using what will become a smaller garden plot following sub-division. The development is not considered to be over-intensive and each property will benefit from adequate external amenity space to ensure a high standard of living. Landscaping remains a reserved matter in need of approval. Details of boundary treatments would be required as part of the landscaping details which would need to demonstrate adequate privacy between neighbouring properties. The behaviour of prospective residents and nature of activities that could take place in the garden areas cannot be considered in the planning process, but should disturbances develop then they could be investigated as an environmental health issue and action taken if considered appropriate.

14. Concern with regard to the over concentration of student or HMO accommodation at the site is also noted. The existing premises at 498-500 Earlham Road are in use as a student HMO (sui generis). The submitted application is for four conventional 2-bed residential units (class C3) and the proposals would not therefore result in an increase in HMO accommodation in comparison to the existing situation. Planning permission would not be required for occupation of the proposed dwellings by 3-6 adults (class C4). However if the proposed dwelling were to be occupied as an HMO (+6 adults living at address) this would require a further application for planning permission.

Overlooking

15. The distance between the rear faces of the proposed dwellings and those existing at 498-500 Earlham Road would be approximately 15.5 metres. Indicative drawings have been submitted that demonstrate a design whereby the proposed dwellings are 1.5-storey at the rear and two-storey at the front. Any windows on the rear elevation could be installed on the roof to limit any overlooking to neighbouring properties although plans indicate that bedroom windows will all be set in the front elevation, thus ensuring satisfactory outlook. Appearance is held back as a reserved matter to be approved at a later date and careful attention would be given to ensuring that the privacy of neighbouring properties is not put at risk by inappropriate window placement. An informative is attached with regard to the expectation of reserved matters incorporating a 1.5 storey scale at the rear.

16. The front windows of the proposed dwellings are shown to look onto numbers 43 and 45 Russet Grove and the separating distance between properties will be approximately 12.5 metres. The windows of the ground floor flat relate to a kitchen and lounge/dining area. The lounge/dining window is a high-level, horizontal window, approximately 1.5 metres from ground floor level, thus reducing the potential for overlooking. It is understood that the same arrangement exists for the first floor flat above, but in any case the separation between the proposed dwellings

and flats at Russet Grove, considered both in terms of distance and the presence of the intersecting highway, will lessen the significance of overlooking between properties.

Overshadowing

17. The development will result in some increase in overshadowing to the rear gardens of 496 and 502 Earlham Road although the increase will not result in a significant harm to the amenity of neighbouring properties. Both 496 and 502 benefit from generous garden plots and any impact of increased overshadowing would be lessened by the presence of mature landscaping in both neighbouring gardens that already causes a significant level of overshadowing to the rear garden areas of neighbouring properties.

Amenity space

18. The indicative plans set out a development sufficient in terms of internal living space to serve a two-bedroom property. A greater number of bedrooms in each property would be likely to be considered unacceptable due to failing to satisfy the recommended space standards set out in policy DM2 of the emerging Local Plan.

19. Following subdivision, the proposed dwellings will each have access to a rear garden approximately 42 sq.metres in area. Both 498 and 500 Earlham Road will have access to rear gardens approximately 120 sq.metres in area. This area of external amenity space is adequate to serve both the proposed dwellings and existing 9-bed HMOs.

20. Any greater size of development to that proposed on the indicative plans would be likely to be unacceptable both in terms of reducing the available external amenity space available to occupants and also bringing the development closer to neighbouring properties where privacy between properties could be compromised. A condition will be imposed upon any permission removing permitted development rights to extend the properties the subject of this application in order to protect the amenities of future and neighbouring residents.

Loss of view

21. The loss of a view is not a material planning consideration, although the potential for the proposals to result in a loss of outlook is a consideration. However the proposals have a sufficient separation (12.5-15m) from neighbouring properties that it would not result in any loss of outlook to these properties.

Design

Layout

22. The application demonstrates that an acceptable layout could be achieved at the site that provides suitable living conditions for prospective residents whilst avoiding any significant harm to the living conditions of neighbouring residents. Final details of layout will need to be approved in a separate application to resolve reserved matters.

Scale

23. Whilst the application does not seek approval for scale, indicative plans reflect careful consideration to scale, limiting the height of the proposed dwellings to 1.5-storey at the rear and 2-storey at the front. This will mitigate for the potential for

overlooking to 498-500 Earlham Road as well as reducing the effect of overshadowing to the rear gardens of both the proposed dwellings and those neighbouring the site.

Impact on character of the surrounding area

24. As discussed above, the application successfully demonstrates that development can be achieved that provides for satisfactory living conditions for both future and neighbouring residents at the site. It is not considered that the scheme would amount to an over-intensive use of the site. The development would not be viewed from Earlham Road but would instead contribute to the streetscape of Russet Grove. Subject to reserved matters being acceptable the proposal will not harm the character of Russet Grove nor the wider area.

25. Several objectors have raised concern that the proposal will set a precedent for similar sub-division and infill development in the surrounding area and along Earlham Road. Should any such proposals come forward in the future they would be considered on their own merits. The site is unique in the sense that unlike the majority of existing properties along Earlham Road, the site faces a highway at both front (Earlham Road) and rear (Russet Grove). This has enabled the current proposal to benefit from separate vehicular/pedestrian access onto the highway, which would not apply to the majority of other sites in the surrounding area. The precedence that the application might set in terms of encouraging similar sub-division and development along Earlham Road is not therefore significant in this instance.

26. Given the above considerations the proposals would therefore comply with Local Plan policy HBE12 and emerging Development Management Plan Policy DM3.

Transport and Access

Vehicular Access and Servicing

27. The application does not seek approval for access, but indicative drawings demonstrate that satisfactory vehicular access can be provided from Russet Grove. Agreement with NPS Norwich would need to be obtained in order to secure the vehicle accesses which would cross onto freehold land owned by Norwich City Council, but this would need to be agreed outside of the planning process.

28. The vehicle crossover must be built to our specification, but they would not be adopted. Details of the vehicle crossover will form part of a condition to first be agreed by the planning authority. Details of cycle parking and refuse storage would also need to be agreed.

29. Salter Avenue and Russet Grove are controlled parking areas and the proposed dwellings would not be eligible for parking permits. Plans show one parking space provided for each dwelling which would be acceptable for a development of this type in this location.

Water Conservation

30. Under local policy the only requirement would be for the new dwellings to meet Code for Sustainable Homes Level 4 for water, which is water usage of only 105

litres per person per day. A condition is recommended to ensure this is achieved.

Trees and Landscaping

31. The proposal will involve the loss of several trees in order to facilitate the development. A Grampian condition will be added to any planning consent requiring a scheme to be agreed and payment made prior to commencement of the development to secure replacement tree planting and maintenance. This will ensure street tree planting in the vicinity to support the newly created street frontage.

32. Access has been revised to arrange vehicular access centrally to each pair of semi-detached properties. This will prevent the need for a vehicular crossover across the root protection area of the Maple Tree (T10), which is located on council owned land and which is to be retained.

33. Landscaping makes up a reserved matter, details of which must be agreed at a future date and prior to the commencement of any development.

Other Issues

34. An objector has stated that further student accommodation is unsuitable in this location. Indicative plans show the dwellings as having two-bedrooms and there is no suggestion that the properties will be marketed for student accommodation.

Local Finance Considerations

35. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.

Financial Liability	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	£75 per square metre. Internal living space of dwelling is not yet known.

Conclusions

36. The site is located in an established residential area in walking distance to bus routes serving the city centre and wider area where a variety of shops and services are available. The principle of residential development on the site is therefore acceptable. Indicative plans submitted with the application demonstrate that four

dwellings could be designed appropriately and developed at the application site whilst preserving the amenity of neighbouring residents and providing suitable living conditions for occupants of the proposed dwellings.

37. Subject to agreement of reserved matters relating to appearance, landscaping, layout, access and scale, and conditions relating to replacement tree planting, water conservation, parking and removal of permitted development rights, the development is considered acceptable and in accordance with Sections 4, 6, 7 and 11 of the National Planning Policy Framework (March 2012), Policies 2, 3, 4, 6, 12 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE3, NE9, EP16, EP22, HBE12, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations

RECOMMENDATIONS

To approve application no 14/00801/O 498 - 500 Earlham Road Norwich NR4 7HR, subject to the following conditions:

1. Standard time limit for outline application.
2. No development until approval of reserved matters including appearance, landscaping, layout, access and scale.
3. Water conservation.
4. No development in pursuance of this permission until a scheme for replacement tree planting and payment of associated costs has been submitted to and agreed with the local planning authority.
5. Details of secure cycling storage, refuse storage and vehicle crossover.
6. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no part of the dwelling houses hereby permitted shall be enlarged, no garage, porch or garden building erected and no gates, fences, walls or other means of enclosure erected without express grant of permission by the Council as Local Planning Authority.

Informatives:

1. Refuse and recycling bins to be purchased by applicant with agreement from the Council's city wide services department.
2. Any hard standing to be constructed with a permeable material.
3. The development will not be eligible for on street parking permits.
4. Street name and numbering enquiries.
5. Vehicle crossover (dropped kerb and pavement strengthening is required for this development.

a. Contact Ken Willis at Norwich City Council in relation to construction of a new vehicle crossover. Contact : Ken.Willis@norwich.gov.uk Tel 01603 21 2052 . (Tuesdays to Friday)
b. Technical specification: http://www.norwich.gov.uk/TransportAndStreets/RoadsAndPavements/Pages/DroppedKerbs.aspxUnderground utilities

6. Construction working hours.
7. Development that affects the highway will require underground utilities searches and road opening and closure noticing (fees payable).
8. This development involves work to the public highway that will require the approval of the Highway Authority. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the Highway Authority. (Contact Glen Cracknall, Senior Technical Officer glen.cracknell@norwich.gov.uk, tel 01603 21 2203).
   Agreement with NPS Norwich must be obtained to secure the vehicle accesses.
9. Outline permission only; no permission granted for specific layout or design of development. However , two or more storey at the rear of the dwellings (north facing) is unlikely to be considered an acceptable design as it would raise the potential for overlooking to residents at 498-500 Earlham Road. Further submission of reserved matters required.