

Report to Planning applications committee

Item

08 September 2016

Report of Head of planning services

Subject Application no 16/00928/U - 145 & 147 Earlham Road, Norwich, NR2 3RG

Reason for referral Objection

5(F)

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)		
Representations		
Object	Comment	Support
22	0	0

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
3 Transport	Car parking, suitability of car free development, highway safety, cycle parking
4 Amenity	Internal living conditions for future occupiers, noise and disturbance, overlooking
Expiry date	15 August extended to 15 September 2016
Recommendation	Approval subject to conditions



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Planning Application No 16/00928/U

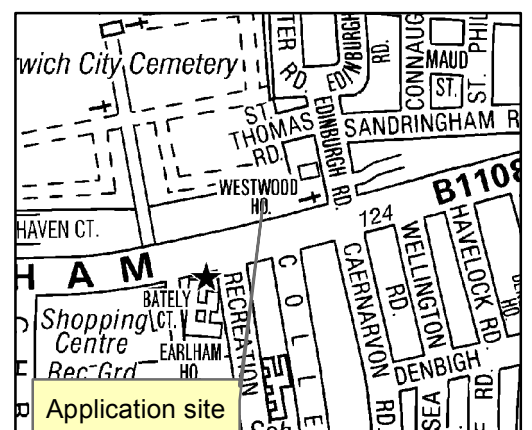
Site Address 145 & 147 Earham Road

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
15/01867/U	Change of use to two large Houses in Multiple Occupation (HMO, class Sui Generis), including a side conservatory extension and associated alterations.	REF – Reasons explained below under the proposal section of the report	18.05.2016

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 (Sui Generis).

7. The planning history for the site is outlined above. A planning application for similar development was refused in May 2016. The application was refused on the following grounds:
- The removal of the front gardens and creation of an area of hardstanding for car parking will be out of keeping with the residential character of the surrounding area and harmful to the appearance of the site. As such the proposal is contrary to paragraphs 58 and 64 of the NPPF, policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 as amended 2014, and policies DM3, DM12 and DM13 of the Development Management Policies Local Plan 2014.
 - Inadequate provision has been made for the storage and collection of refuse and as such the proposal will increase the potential for waste receptacles to be left out on the street or adjacent to the site entrance. Such a scenario would be harmful to the appearance of the site, be detrimental to the character of the surrounding area and potentially create obstacles in the highway. The proposal is therefore considered contrary to paragraphs 58 and 64 of the NPPF, policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 as amended 2014 and policies DM3, DM12, DM13 and DM31 of the Development Management Policies Local Plan 2014.
8. The current application seeks to address the reasons for refusal by removing car parking from the scheme, reinstating landscaping to the front gardens and making provision for suitable refuse storage.

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	0
No of cycle parking spaces	To be agreed by condition. Will be seeking 1:1 provision.
Servicing arrangements	The scheme incorporates a management strategy for the collection of refuse. A communal refuse store is provided adjacent to the highway and a private contractor will be responsible for collecting from this location. The management

	strategy will ensure that bins are not left on the highway at any time.
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Representations

9. Adjacent and neighbouring properties have been notified in writing. 22 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 the conversion to two large HMOs..	Main issue 2
Harm to the character of the area resulting from the waste storage area. New vegetation will not adequately screen the bins.	Main issue 2
Inadequate parking in surrounding area. The proposal will further add to existing parking pressures.	Main issue 3
Harm to highway safety from additional vehicle movements	Main issue 3
Bins will be left on the highway and will create an obstruction/hazard	Main issue 3
Odour nuisance and potential vermin attraction from the refuse store	Main issue 4
Overlooking	Main issue 4
Overdevelopment/cramped living conditions	Main issue 4
How will the use of the building and number of residents be managed and policed? How can an occupation condition be enforced?	Main issue 4
Loss of trees/front garden	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

Issues raised	Response
Likelihood of end users being itinerant which will be detrimental to the wider community.	Noted
Why is the applicant allowed to keep applying for planning permission?	The local planning authority can refuse to determine a planning application where it has refused more than one similar application within the previous two years. Whilst two applications have been refused within the last two years, they have been of different character. The current scheme is also different in character to the most recent refusal in terms of removing the car parking from the front of the site. The council therefore has a duty to assess the application currently being considered.
Inaccurately filled in application form	Noted.
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

10. 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.

Citywide services

11. Capacity and collection arrangements are good.

Highways (local)

12. "No objection on highway/transportation grounds.

I am aware of the local opinions against this development previously, but I must concur with the applicant that the proposed occupancy of the site will be less than extant occupancy.

Regrettably the property is not within a Controlled Parking Zone, and that parking is unrestricted on this part of Earlham Road.

Therefore, as it is the case now, some occupants with a car may park in the local area.

The council does not have plans to introduce a CPZ in this area for the foreseeable future, but if there was local demand would consider it.

The provision of refuse storage appears acceptable in principle; city wide services will advise you separately.

The provision of cycle storage appears cramped; we need to ensure that the cycle parking is of a high standard; i.e. covered, secure and enough space to easily lock a bike. Ideally the bike stores would be in secure gated area.

It is important to consider the likely occupants of such accommodation will be students or those on lower incomes; car ownership is likely to be very low. Especially since the property is located on a frequent bus service and a local centre is within walking and cycling distance.”

Assessment of planning considerations

Relevant development plan policies

13. 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

14. 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

15. 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

16. 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

17. Key policies and NPPF paragraphs – DM12, DM13 and DM15, JCS4, NPPF paragraphs 49 and 14.
18. 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. While 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.
19. The site is located within close proximity to a district centre where future residents would benefit from easy access to a wide variety of shops and services. The site is also located within walking distance of the city centre and close to public transport providing frequent services to the city centre and wider area.
20. 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 and design

21. Key policies and NPPF paragraphs – DM3, DM8, DM12 and DM13, NPPF paragraphs 9, 17 and 56.
22. It is apparent that works to convert the two properties are well advanced and the former front gardens of 145 and 147 Earham 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. There were however no planning restrictions preventing the removal of the vegetation and there are no trees on site protected by Tree Preservation Order (TPO).

23. The current proposal sets out to reinstate the front gardens by replacing previously removed planting with appropriate plants and shrubs. 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. The landscaping scheme should also be low maintenance and attractive to ensure its value is maintained leading into the future.
24. It is proposed to provide a communal refuse storage area at the front of the site within a partially submerged area behind the retaining wall. Drawings and visualisations have been submitted illustrating the design of this area and how it will appear when viewed from the street. It is considered that subject to details being agreed by condition, it will be possible to adequately screen the refuse storage area and preserve the character of the wider area.
25. 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 external appearance of the buildings will otherwise remain as existing.
26. 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 a high quality scheme of replacement planting will be sought as part of the landscaping scheme in mitigation.
27. 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.
28. Subject to conditions requiring landscaping works to screen the refuse storage 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 and highway safety

29. Key policies and NPPF paragraphs – JCS6, DM13, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
30. 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.

31. 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.
32. 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*.
33. 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 no more than 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. In turn, it is not therefore considered that the proposal will present any significant issues in terms of highway safety.
34. 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.
35. The application includes a management strategy which states that someone will be employed to clean the properties and transfer waste from the properties to the communal storage facilities. Collection will be arranged with a contracted company who will collect and return the receptacles to the store. Bins will not be stored on the highway at any time. The management strategy is considered to be acceptable and will be conditioned for compliance against any planning consent. This will ensure that bins do not create any obstacles on the highway and are stored properly to avoid any harm to the appearance of the site and character of the wider area.

Main issue 4: Amenity

36. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

37. 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.
38. 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.
39. Several contributors have raised concern with the potential for noise and disturbance resulting from an over-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.
40. 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.
41. Refuse will be stored within robust waste receptacles and managed for regular collection. The potential for attracting vermin is not considered to be significant.
42. 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

43. 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 results in a very minor increase to the coverage of hard-standing at the site. Planning permission will be conditioned to require any hardstanding to be constructed of a porous material and this is considered acceptable for mitigating any significant risk from an increase of surface water flooding at

		the site.
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Other matters

44. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
45. 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.

Equalities and diversity issues

46. There are no significant equality or diversity issues.

Local finance considerations

47. 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.
48. 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.
49. In this case local finance considerations are not considered to be material to the case.

Conclusion

50. 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 refuse storage area and planting to mitigate for that lost in the front gardens which is easy to maintain and attractive;

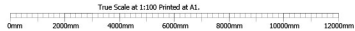
4. No occupation of development until details of cycle storage have been agreed and implemented.
5. Any hardstanding to be constructed of porous material;
6. Compliance with the Management Strategy;
7. Installation of obscure glazing;
8. Each property shall be occupied by no more than 7 tenants, on a 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.

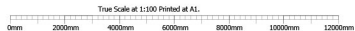
PROPOSED Loft Area - 145
Scale 1:100

PROPOSED Loft Area - 147
Scale 1:100



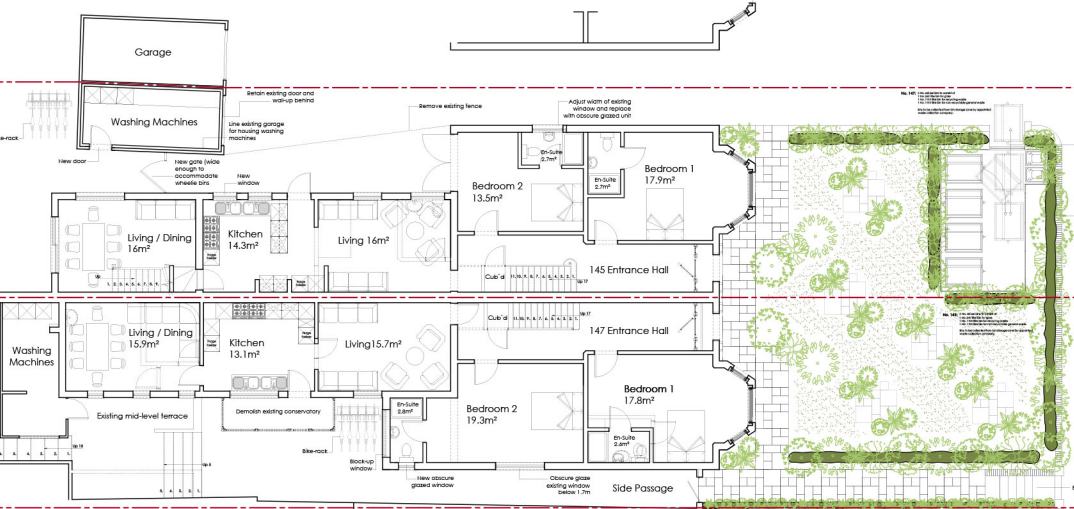
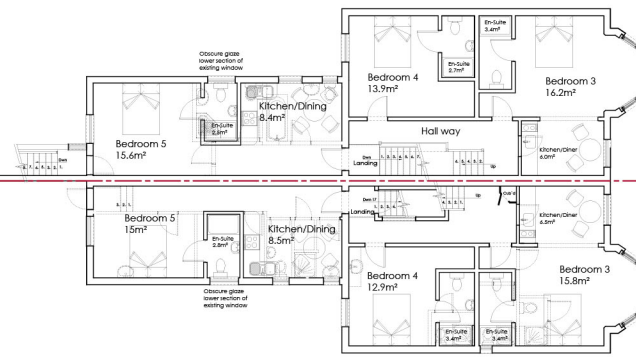
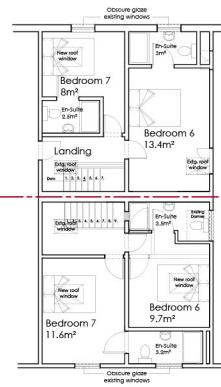
PROPOSED First Floor - 145
Scale 1:100

PROPOSED First Floor - 147
Scale 1:100



PROPOSED Ground Floor - 145
Scale 1:100

PROPOSED Ground Floor - 147
Scale 1:100



NOTES :

DO NOT SCALE FROM THIS DRAWING.
Contractors must verify all dimensions on site before setting out, commencing work, ordering materials or making any shop drawings.

This drawing and design is for use solely in connection with the project described below.

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Any discrepancies and/or conflicting information or specified is to be notified to Patterson DESIGN LTD, prior to construction on site. Construction should only proceed from drawings issued for construction purposes unless prior written consent is obtained.

Should any site personnel, or those employed to carry out the works on their behalf choose alternative materials, or components to those specified on Patterson DESIGN LTD drawings, without prior written agreement then they do so at their own risk.

The information contained in this drawing is representative and has been compiled, from a dimensional survey only and does not warrant nor certify the structure of the buildings or neighbouring structures at the time of construction.

The contractor is to visit the site to make himself acquainted with the building's and surroundings and undertake any investigation work or make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities.

Failure to do so will be at the contractor's own risk and no additional payments shall be countenanced for any amendments to the work.

The contractor is to carry out all works in full compliance with the Health and Safety Commission's Approved Code of Practice: 'Managing Construction for Health and Safety' and Construction (Design and Management) Regulations 1994.

All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operatives, visitors or public.

The contractor is to include all preliminary allowances to cover the prevention of accidents and injury.

All works are to be carried out to comply with manufacturers, suppliers and industry guidelines, local authority regulations, good standards, fire safety recommendations, specialist subcontract recommendations and services supply and installation regulations. All manufacturers literature is to be kept on site. Provide all relevant guarantees in duplicate for presentation to the client.

Allow all necessary attendance and liaison with CA's (and CA personnel) specialist subcontractor trades. Ensure all notifications are submitted to the Local Authority, Building Control and submit materials as required to the local Authority Planning Department.

Carefully examine the drawings and notify any discrepancies to the CA for instruction prior to proceeding.

Check all dimensions on the site prior to ordering materials and notify any discrepancies to the CA for instruction prior to proceeding.

This drawing and design is for use solely in connection with the project described below.

No Responsibility for Any Error or Omission in This Specification Will Be Recognised Unless Brought to The Attention Of The Client Or His Agent Prior To Signing The Contracts.

Rev:	Date:	Int:	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 obscured glazed
G	May 2016	JEB	Resubmitted amended application following refusal
H	Aug 2016	AJB	Alterations to the bin storage area.

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Project Address:
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Client Name:
for Mr Jianping Liu

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

Drawing Title:
Proposed floor plans

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