

Report to Planning applications committee

Item

14 February 2019

Report of Head of planning services

Subject Application no 18/01865/F - 2 St Martins Close, Norwich,
NR3 3HB

4(b)

**Reason
for referral** Objections

Ward:	Mile Cross
Case officer	Maria Hammond - mariahammond@norwich.gov.uk

Development proposal		
Conversion of shop and warehouse to 5 bedroom HMO (Class Sui Generis) with external alterations.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1	Principle of loss of shop and conversion to HMO
2	Amenity
3	Design
4	Transport
Expiry date	18 February 2019
Recommendation	Approve



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Planning Application No 18/01865/F
2 St Martins Close

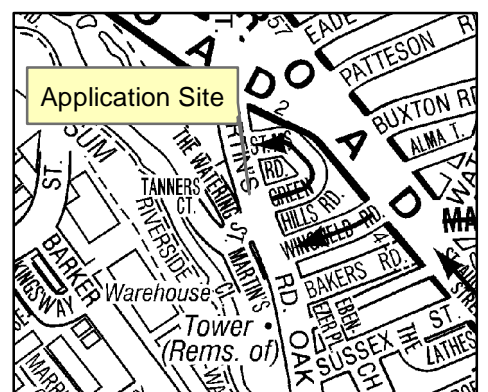
Site Address

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application site occupies land between St Martins Road and The Watering, at the junction with St Martins Close. This site is north of the city centre and just south of Wensum Park.
2. The site is accessed off St Martins Close, close to the junction with St Martins Road and at this level the application building is single storey with a flat roof and attached to the side and rear of a pair of semi-detached dwellings fronting St Martins Road (numbers 64 and 66). The Watering is a cul de sac road that runs to the west of the site and drops in level running northwards, giving access to a lower floor to the building on the west elevation which extends beneath the attached dwellings. The south elevation fronting the access is rendered and the west elevation fronting The Watering is clad in timber. A tapering narrow access exists on the north side between the site and the three to four storey residential development of The Watering. Across roadway of The Watering to the west there are two blocks of three and a half storey flats at a lower level which front the river; Tanners Court.
3. A retail shop occupied the site last and the lower floor was used as warehouse storage in connection with it.
4. The character of this residential area is mixed, with Victorian terraces to the east of St Martins Road and flats of varying ages to the east. The application building is atypical in character even in this mixed area by virtue of its position at the convergence of three roads, split level arrangement, flat roofed appearance and retail use.

Constraints

5. The site is in the area of main archaeological interest.

Relevant planning history

6.

Ref	Proposal	Decision	Date
10/01215/F	Change of use of former workshops and offices to 4 self contained flats with ancillary parking (3x1P flatlets and 1x2P flat).	Refused	14/10/2010
14/00541/F	Change of use from workshops (Class B2) to retail (Class A1).	Approved	11.07.2014
14/01522/NM A	Revision of entrance ramp design - Non Material Amendment to planning permission 14/00541/F.	Approved	13/11/2014

The proposal

7. It is proposed to convert the building to a five bedroom HMO (sui generis). External alterations proposed consist of the creation of a porch over the south elevation front door, the addition of one first floor window and the removal of double doors and addition of four windows on the ground floor to the west elevation. One parking space would be retained in the existing car park area, with amenity space and cycle storage also provided within new hard and soft landscaping. Bin storage is proposed in the gated gap at the northern side of the building.
8. Internally, five double bedrooms, a shared kitchen, shared amenity space, a laundry room, bathroom, shower room and separate toilet would be provided across the two floors.

Representations

9. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing the issues as summarised in the table below, it is noted that one is from the Tanners Court Residents Association which represents the interests of residents in the twenty flats at Tanners Court. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
<p>The premises supports local employment and small business enterprise as safeguarded by Policy DM17. There has been no evidence of any attempt to market the property for continuing use in its current class as required by the policy. A similar previous application to convert this site to residential use (10/01215/F) was rejected in pursuance of the equivalent policy in force at the time.</p>	<p>Policy DM17 protects existing class B business uses. The existing use is A1 retail and therefore not covered by Policy DM17. The loss of this is considered in main issue 1 below.</p> <p>The previous application referred to was for change of use from workshops and offices to 4 self-contained flats.</p>
<p>The building is of poor quality and is detrimental to the streetscene and the flying freehold arrangement with 64 and 66 St Martins Road is awkward and offers a low standard of accommodation within the two existing flats. The proposal would compound this. It is a poor response to the site and another missed opportunity to bring an underused and poorly designed site into productive use.</p>	<p>See main issues 2 and 3</p>
<p>It is doubtful whether the shared amenity space and bedroom 3 meet Policy DM2's requirement for adequate levels of light and outlook.</p>	<p>See main issue 2</p>

Issues raised	Response
The plans and elevations are materially inaccurate in that they seek to hide the closeness of the property to The Watering.	There is not considered to be any inaccuracy in the plans and elevations.
The use by five 'households' will generate additional noise which in addition to proximity to neighbouring dwellings will travel further due to five additional windows. The new outside seating area may also be reasonably expected to be more noise-generative than the existing use. No information on any sound proofing.	See main issue 2.
The proposed open, unmonitored car and cycling spaces are not suitable for permanent residential use.	The proposal has been amended to include secure, covered cycle parking.
No provision for parking apart from one space. There could be a need for five to ten parking spaces. Parking is difficult in this area.	See main issue 4
The plans show a shared amenity space with 2.5 sqm per person; given that the guidelines for HMOs have a <i>minimum</i> of 2sqm per person this cannot be considered a " <i>high standard of amenity</i> ".	See main issue 2.
Guidelines for a HMO of 10 persons require wash hand basins in all bedrooms, 2 bathrooms and 2 separate w/c's. The plans show no wash hand basins in bedrooms, 1 bathroom, 1 shower room and 1 separate w/c. Whilst the provisions shown in the plans may meet some minimum legal requirement they do not constitute " <i>high quality</i> ".	This is not a planning requirement and the bedroom layouts and sizes would not preclude inclusion of a wash hand basin should this be required.
The plan provides one car parking space for ten persons. Clearly this is inadequate. This can only be increased at the expense of external amenity space or cycle parking. Neither of which result in a development with a high standard of external amenity.	See main issue 4
There would be ten people living in a space both adjoining to and underneath the two houses it is difficult to see how noise disturbance could be avoided.	See main issue 2

Issues raised	Response
Ask that the current application be rejected allowing open the possibility of a new plan for a smaller number of occupants in a genuinely high quality and well designed building conversion in keeping with the surrounding area.	Noted.

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.

Highways (local)

11. No objection on highways grounds.

Citywide Services

12. I am happy with the collection point and the provisions for 1 x 1100l refuse and 3 x 360l recycling bins.

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
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
 - DM9 Safeguarding Norwich's heritage
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - 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 July 2018 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places
- NPPF16 Conserving and enhancing the historic environment

16. Supplementary Planning Documents (SPD)

- Trees, development and landscape SPD adopted June 2016

Case Assessment

17. 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

18. Key policies and NPPF paragraphs – DM12, DM13, NPPF section 5
19. The site is not in a defined centre so retail uses would not normally be permitted here. The existing use was permitted on the basis of the specific locational requirements of the retailer and accordingly the permission is restricted to this specific use only (bulky baby related products). As this is not a defined centre, the retail use is not subject to any policy protections and its loss is acceptable.
20. With regards the proposed new residential use, the site is not subject to any specific site allocation and Policies DM12 and DM13 raise no in principle objection to residential development, including use as a large HMO, subject to the considerations below.
21. In relation to the surrounding area, this is largely characterised by family housing and flats but not to such an extent that the creation of an HMO would cause any harm to it in principle. The atypical scale and form of the building lends itself more easily to conversion to an HMO than other more traditional and densely developed dwellings in the surrounding area.

Main issue 2: Amenity

22. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 180-182
23. Each of the five proposed bedrooms would exceed the HMO space standards for double occupancy and would be serviced by appropriate bathroom and kitchen facilities. The shared amenity space, which includes dining space, is modest for use

by ten occupants, however as each bedroom exceeds minimum standards, they would have ample space for amenity and dining if required.

24. Each bedroom and the amenity space would also have adequate daylight and outlook. Whilst one bedroom (bedroom 3) and the amenity space both have two windows facing onto the narrow passage to the north, these rooms also have windows on the west elevation with a pleasant outlook and better natural light.
25. The kitchen, bathroom, WC and laundry room would not have any windows, other than a half-glazed door to the kitchen facing the narrowest end of the tapering passageway, due to their position on the lower ground floor below 64 and 66 St Martins Road. These spaces would not therefore benefit from any daylight which is regrettable, however, as the bedrooms and amenity space would, the overall standard of amenity is not considered to be unacceptable.
26. Externally, a seating space is proposed which is considered to be an adequate size and is sited to the west where it would be furthest from the relatively busy St Martins Road and have an outlook in the direction of the river. Whilst the use of this area may generate more noise than the existing car park use, it is not immediately adjacent to any neighbouring dwelling and its use is not considered likely to generate unacceptable disturbance to the amenity of the surrounding area.
27. In terms of the impact on neighbouring dwellings, the additional windows proposed on the west elevation are not considered to result in any direct loss of privacy to the dwellings in Tanners Court opposite. Representations have raised concern about the impact on the occupiers of 64 and 66 as the accommodation would be attached to and below these dwellings. The less intensively used spaces would be below the attached dwellings and there are building regulations requirements for sound insulation between floors of different dwellings. Given that the kitchen and bathroom are sited directly below the attached dwellings, it is considered necessary to agree the details of any mechanical ventilation equipment by condition to ensure any resulting noise or vibration is not inappropriate. Whilst it is acknowledged the site would be used more intensively than it is at present, it is not considered the proposal would result in such levels of noise or activity to unacceptably impact on the amenity of the attached and other neighbouring dwellings.
28. On balance, the standard of amenity for future occupiers is considered appropriate and capable of complying with HMO licence requirements and it is not considered the amenity of neighbouring occupiers would be unacceptably impacted upon. It is, however, considered necessary to condition ten as the maximum number of occupants and for the proposed layout to be maintained to protect the amenity of future occupants.

Main issue 3: Design

29. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12
30. The arrangement of the existing building over two levels is unusual and it has a commercial appearance by virtue of the limited openings on the west elevation, ramped entrance on the south elevation and stark, open car park. The flat roof is also uncharacteristic of housing in this area. Whilst this proposal does represent an opportunity to improve the appearance of the building, it is not considered necessary nor proportionate to require a complete overhaul. The proposed porch

and soft landscaping to the southern side would create a more residential appearance to the site appropriate to the proposed use and the new west elevation openings would be consistent with the existing.

31. Amendments have been made to the layout and landscaping of the external space to improve its use and appearance and this is considered acceptable.

Main issue 4: Transport

32. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, DM32, NPPF section 9
33. The site is in a location where, in accordance with Policy DM32, low car and car free housing is appropriate by virtue of its location in a controlled parking zone and proximity to the city centre and frequent bus services. One parking space is proposed within the site and this level of parking is acceptable in accordance with Policy DM32.
34. Secure, covered cycle parking is proposed also and appropriate bin storage would be provided in a convenient location. The transportation requirements of the development are therefore acceptably provided for.

Compliance with other relevant development plan policies

35. 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
Water efficiency	JCS 1 & 3	Yes subject to condition

Other matters

36. The site is in the area of main archaeological interest, however as there are no ground works or significant external works proposed, there is not considered to be any risk or harm to archaeology or any heritage assets.

Equalities and diversity issues

37. There are no significant equality or diversity issues.

Local finance considerations

38. 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.
39. 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.

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

Conclusion

41. In principle the proposal to convert a retail premises to a large HMO is acceptable. This would be a more intensive use of the site, however it is not considered that it would create any unacceptable impacts on the amenity of neighbouring occupiers. The accommodation can provide an acceptable standard of amenity for future occupiers and the servicing needs of the occupiers can be satisfactorily met on site. Furthermore, it is not considered the creation of an HMO would be detrimental to the character of the area. 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.

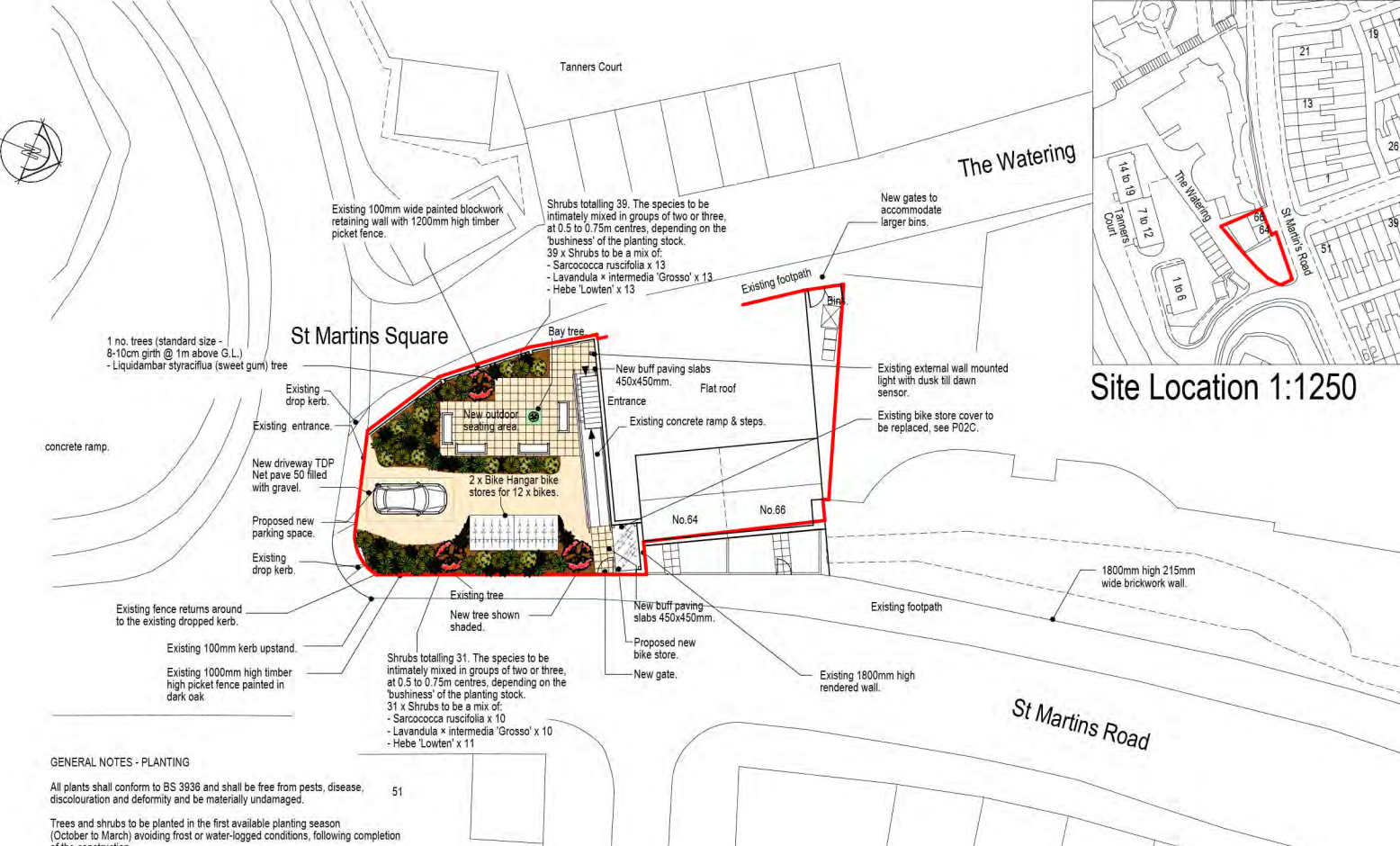
Recommendation

To approve application no. 18/01865/F - 2 St Martins Close Norwich NR3 3HB and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No extraction or ventilation to be installed unless first agreed;
4. Parking, cycle parking and bin storage to be provided prior to first occupation;
5. Landscaping to be completed and maintained;
6. Water efficiency;
7. Maximum of ten occupants;
8. Layout to be maintained as approved.

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 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 to the layout of the external area and provision of services, the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



Site Location 1:1250

GENERAL NOTES - PLANTING

All plants shall conform to BS 3936 and shall be free from pests, disease, discolouration and deformity and be materially undamaged.

Trees and shrubs to be planted in the first available planting season (October to March) avoiding frost or water-logged conditions, following completion of the construction.

Existing vegetation to be cleared from the planting pit before digging.

Trees and shrub plants to be planted in pits equal in depth and 50% wider than the root system. Glazed edges to be broken up using a fork where necessary. Backfill with friable soil to the height of the root collar in layers, firming gently using toes, not heels. Should the soil from the planting pit be difficult to work, the use of imported screened top-soil will be required. Hedge plants to be planted using 'T' or 'L' notch, in a double row, staggered, 450mm between rows and at 450mm centres.

WEED KILLER

All areas to be planted shall be treated with pre-emergent herbicides prior to planting.

LOW SHRUB PLANTING

Clear bed of unwanted weeds, plants and building debris, up to 450mm deep. Over dig trench 300mm deep, loosen the next 225mm of soil with fork. Widen trench and repeat replacing the soil in the first trench. Continue over all the entire bed area. Thoroughly fill the bed. Cover with 100mm organic topsoil and add synthetic fertilizer to manufacturers recommendations. All low shrubs to be provided in P15 (1 litre) containers to NPS. Shrubs to be typically 200-300mm tall.

TREE PLANTING

All trees to be double staked (800mm penetration). All trees to be held by suitable proprietary plastic 'buckle ties using suitable spacers. All trees to be protected with bio-degradable tree guards. Trees to be in 45l containers.

TURFING

Turf to be 'Family Lawn' characteristics with rye grasses and fescues. Prepare ground to at least 150mm in depth, remove weeds and stones etc. and rake to a rough level. Generally compact and fill low spots. Apply a general fertilizer to the manufacturers instructions. Mix thoroughly into top 50mm. Rake over to fine tilth. Lay turf 'brick' pattern tamp or roll lightly on completion. Immediately irrigate and keep turf moist for first 2-3 weeks.

5-YEAR MANAGEMENT PLAN

Following the implementation of the recommendations on this drawing and the General Notes - Planting, the following management is proposed:-

YEAR 1
Trees to be watered at the time of planting and for the first growing season after planting, depending on weather conditions and soil moisture levels. Given normal weather conditions 10 litres of water should be applied to the root system on a fortnightly basis. This will be dependent on the site conditions. In wet years, watering may not be required, in order to avoid water-logged conditions. Shrubs and hedges only to be watered with 10 litres/m² if especially dry at the time of planting and/or following extended periods without rainfall (4 weeks)

Trees to be mulched to provide a 1 metre circle around each stem. Hedges to have a 1 metre wide strip. Shrubs to have 500mm circles around each plant. Mulch to be composted organic matter to ensure a weed-free environment and to aid establishment. Mulch to be applied to a depth of 150mm but must be kept clear of stem bases. Mulch levels to be maintained at this depth for 2 years after planting.

YEAR 2
Remove tree ties, check stability and re-tie if necessary.

Replace any dead plants with the same species and specification, where space allows following development of the surrounding trees and shrubs.

Maintain mulch levels as above.

YEAR 3
Remove any remaining ties, check stability and re-tie if necessary. Carry out formative pruning to trees to remove low branches to 1.5m, dead, diseased and poorly formed growth.

YEAR 4
Remove any remaining ties.

YEAR 5
Remove protective guards from tree.

Carry out formative pruning to trees to remove low branches to 2.5m, dead, diseased and poorly formed growth.

It is anticipated that the planting will be suitably established by the end of year 5 and that future management will be restricted to routine maintenance.

Consideration for the bird nesting season dictates that any trimming work will need to be restricted to the months of September to February.

Continued observations regarding the establishment and development of the landscape planting and reviewing management options accordingly will be necessary to benefit the planting scheme.

NOTES

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CDM REGULATIONS 2015

Client Note Health & Safety is your responsibility!

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The Main Contractor is to prepare a Construction Phase Plan before commencing work on site. The Contractor is to collate a Health & Safety Plan during the work on site. Furthermore, the Contractor is to collate a Health & Safety Plan during the works, ensuring it is kept up to date until the works are complete. Alternatively the Health & Safety Plan may be carried out by the Principal Designer.

Please contact DFAL to assist.

The Main Contractor is to carry out the construction work in reference to a Design Risk Assessment prepared by DFAL.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Any necessary assumption of Liability and Claims for Exemption for Self Build Development Application Forms are to be completed and submitted to the Local Planning Authority before construction works commence on site.

DFAL take no responsibility for any financial liability in this respect as this lies with the client.

Please contact DFAL should you require further assistance.

B: Site layout revised as per planners comments. 04/02/19 JP
A: Cycle store made larger, trees and shrubs revised. 29/01/19 JP
rev: date:

architects and consulting engineers

dfal
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e: info@dfal.tv w: www.dfal.tv

RIBA Chartered Practice

Project: Conversion of shop and warehouse to HMO, Babyland, 2 St Martins Cl, Norwich NR3 3HB

Client: Mr Jason Harrison

Drawing: Proposed Landscaping scheme & Location Plan

Drawn By: JP & DL	Checked By: DL	Ref. No. 6865	Dwg. No. LA01
Scales: 1:200 & 1:1250 @ A2		Date: November 2018	

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CDM REGULATIONS 2015

Client Role: Health & Safety is your responsibility!

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Please contact DFAL to assist.

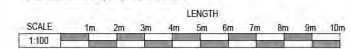
The Main Contractor is to carry out the construction work in reference to a Design Risk Assessment prepared by DFAL.

COMMUNITY INFRASTRUCTURE (CIVIL) ACT 2015

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DFAL take no responsibility for any financial liability in this respect as this lies with the client.

Please contact DFAL should you require further assistance.



D: Bike store and landscaping revised. 05/02/19 JP
 C: Bike store made larger and glass balustrade to replace existing on ramp. 29/01/19 JP
 B: Bin store gate made larger to accommodate new bins. 23/01/19 JP
 A: Updated with new bike store, canopy and fence. 22/01/19 JP
 rev: Date:

architects and consulting engineers

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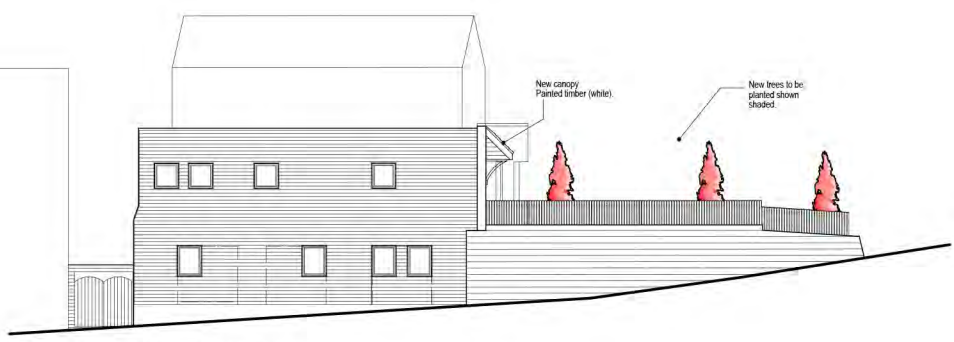
RIBA # Chartered Practice

Project: Conversion of shop and warehouse to HMO, Babyland, 2 St Martins Cl, Norwich NR3 3HB

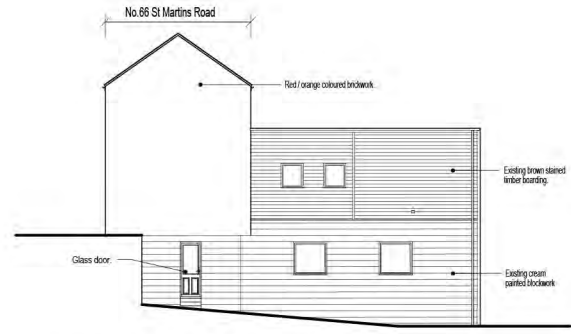
Client: Jason Harrison

Drawing: Proposed Elevations

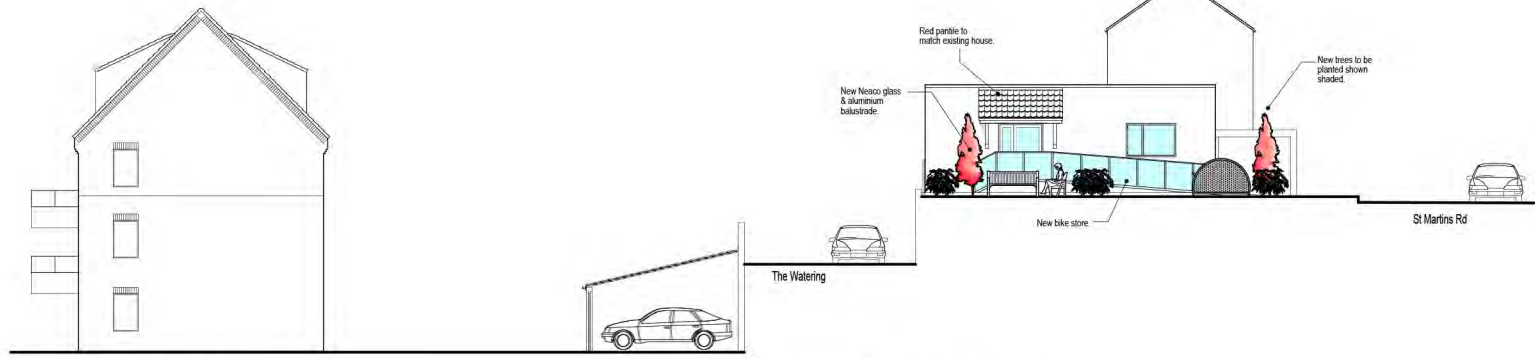
Drawn By: JP & DL	Checked By: DL	Ref. No: 6865	Dwg. No.: P02
Scales: 1:100 @ A1		Date: November 2018	



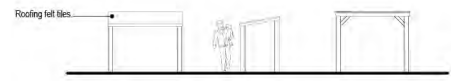
Proposed West Elevation



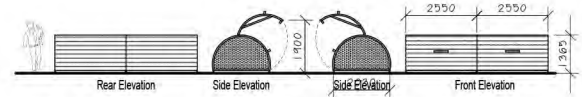
Proposed North Elevation



Proposed South Elevation



Proposed Small Bike Store
For visitors
(Over existing stands)



Proposed Large Bike Store
x 12 person