

**Report to** Planning applications committee

**Item**

10 January 2019

**Report of** Head of planning services

**Subject** Application no 18/01453/U - 547 Earlham Road Norwich  
NR4 7HW

**4(e)**

**Reason  
for referral** Objections and councillor call in

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<b>Ward:</b>	Wensum
<b>Case officer</b>	Charlotte Hounsell - <a href="mailto:charlottehounsell@norwich.gov.uk">charlottehounsell@norwich.gov.uk</a>

<b>Development proposal</b>		
Change of use to bed and breakfast.		
<b>Representations</b>		
Object	Comment	Support
6	2	1

<b>Main issues</b>	<b>Key considerations</b>
1	Loss of housing, principle of B&B
2	External alterations
3	Future occupier and neighbouring amenity
4	Parking and servicing
<b>Expiry date</b>	29 November 2018
<b>Recommendation</b>	Approve



## The site and surroundings

1. The subject property is located on the North side of Earlham road, West of the city centre. The detached two storey dwelling is constructed of painted render to the front and a pantile roof. The property has previously been extended at ground and first floor at the rear of the property. A metal staircase exists on the exterior of the building and connects the first floor to the garden area. To the front of the property is a large gravel driveway and access is provided along the Western elevation to the garden at the rear. There are a number of trees located along the rear boundary. The surrounding area is largely characterised by detached residential properties, however there are other uses (such as B&Bs, dentists etc.) in the vicinity.

## Relevant planning history

2.

Ref	Proposal	Decision	Date
4/1989/0072	Erection of two storey extension at side and rear of dwelling.	Approved	08/05/1989
4/1989/1328	Change of use from dwelling to bed and breakfast (Class C1).	Refused	04/01/1990
15/00197/F	Demolition of 545 and 547 Earlham Road. Erection of Bed and Breakfast accommodation (Class C1) and two flats (Class C3).	Approved	21/05/2015

## The proposal

3. The proposal is for the change of use from a 7 bedroom residential dwelling to a 5 bedroom bed and breakfast (B&B) plus 1 staff bedroom.
4. The proposal does not involve any external alterations to the building.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of rooms	<b>5 bedrooms plus 1 staff bedroom</b>
Total floorspace	<b>Approx. 193m<sup>2</sup> – No change from existing</b>
No. of storeys	<b>2 storey – No change from existing</b>
<b>Appearance</b>	
Materials	<b>As existing – no external alterations proposed</b>
<b>Transport matters</b>	
Vehicular access	<b>Extant access to Earlham Road</b>
No of car parking spaces	<b>4 spaces provided on existing driveway</b>
No of cycle parking spaces	<b>To be secured by condition</b>
Servicing arrangements	<b>To be secured by condition</b>

## Enforcement Matters

5. 547 Earlham Road is also the subject of a current enforcement case. It was reported to the Council that a restaurant was being run from the premises and that advertisements have been erected at the property.
6. Several of the letters of representation submitted for this current planning application raised concerns with regard to the operation of the restaurant at the site and the erection of illuminated signage.
7. Members should also be aware that certain types of advertisement require specific advertisement consent. In this case, the signage erected at the site does not benefit from this consent and therefore forms part of the investigation of the enforcement case. Should the application for the B&B be granted, it is reasonable to expect the owner would want some form of signage to identify the business. The acceptability of the current signage will be reviewed following determination of this application. Any future application for signage at the B&B would be assessed on its merits and would need to have regard for impacts upon visual amenity and highway safety.
8. The Council is currently investigating the suspected breach above. However, members should be aware that the enforcement matters as outlined above are separate from the application under consideration. The existence of an enforcement case which is under investigation does not preclude the committee from considering this planning application. The application for the B&B use should therefore be assessed on its merits and in isolation from the enforcement case.

## Representations

9. Adjacent and neighbouring properties have been notified in writing. 10 letters of representation have been received, 6 in objection, 2 comments and 1 in support, 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.
10. It should be noted that a number of these representation raised concerns with regard to the enforcement matters highlighted above. These concerns have been registered to the enforcement case. The matters summarised below relate to the planning application only.

Issues raised	Response
No objection to use as B&B. There is a need for this type of use.	See Main Issue 1
Approval of the application would set a precedent	See Main Issue 1
Out of keeping with residential character	See Main Issue 1
Concerned that granting this consent would mean the property is more likely to turn into student accommodation	See Main Issue 1
The existing extension is too large for the plot	See Main Issue 2
Concerned regarding cooking smells from the property	See Main Issue 3

<b>Issues raised</b>	<b>Response</b>
Outdoor areas could be used as smoking/seating areas at unsociable hours	See Main issue 3
Traffic and disturbance would occur at all hours	See Main Issues 3 and 4
Increase in traffic, noise and air pollution	See Main Issues 3 and 4
Introduction of parking to the rear of the site would cause disturbance from noise, headlights, fumes etc.	See Main Issues 3 and 4
Unsuitable parking arrangements	See Main Issue 4
Clarity needed on number and location of refuse arrangements	See Main Issue 4
The building to the rear appears to cross neighbouring boundary	See Other Matters
Concerns regarding the provision of a bar within the premises	See Other Matters

### **Consultation responses**

11. 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.

### **Environmental protection**

12. No comments received.

### **Highways (local)**

13. No objection on highway grounds. The extant means of access to Earham Road is adequate. There is adequate space on site for some parking, and space for bin storage. I would recommend a bike store is provided for the benefit of staff and visitors. The property is not located within a Controlled Parking Zone, parking nearby on street is unrestricted except where there are double yellow lines

### **Norfolk police (architectural liaison)**

14. No comments received.

### **Assessment of planning considerations**

#### **Relevant development plan policies**

15. **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
  - JCS5 The Economy
16. **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
- DM15 Safeguarding the city's housing stock
- DM18 Promoting and supporting centres
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **17. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places

### **Case Assessment**

18. 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**

19. Key policies and NPPF paragraphs – DM15, DM3, NPPF7.
20. The proposal involves the change of use of a dwelling to B&B accommodation. Policy DM15 seeks to protect the loss of existing housing, permitting development only where it involves exceptional benefits to sustainability which clearly and justifiably outweigh the loss of housing; or overriding conservation or regeneration benefits; or an overriding community gain through the provision or enhancement of community facilities; or a net improvement in the standard of housing.
21. In this instance, the existing dwelling is the owner's main residence. It has been confirmed that the owner would continue to live at the property, using it as their primary residence should permission be granted. In addition, the submitted plans indicate a staff bedroom would be located at the ground floor of the building. Therefore, in this instance, the proposal is not considered to constitute a loss of housing in accordance with policy DM15, as the primary residence for the owner would still be provided on site.
22. A B&B may strictly be considered as a main town centre use. Ordinarily, main town centre uses are only permitted within defined centres within the City unless the application is accompanied by a sequential assessment to justify an alternative location, as outlined in policy DM18. However, the definition of a main town centre use within the NPPF refers specifically to hotels. The impacts of a modest B&B as

proposed in this application are considered to be relatively minor compared with a large scale hotel. Therefore, in this instance it is not considered necessary, nor proportionate to request the submission of a sequential test.

23. The agent has provided information to justify the location of the proposal. The site is located on one of the main arterial roads into the City Centre, which is well-served by public transport. Local amenities are close by to the site, such as convenience stores, and UEA is within walking/cycling distance. Therefore, this is considered a sustainable and convenient location for a B&B. It should be noted that there are a number of other small B&B premises located along Earlham Road.
24. Members should also note that application 15/00197/F previously granted consent for a B&B and residential accommodation on the site of 545-547 Earlham Road.
25. Several representations were concerned that the approval of the scheme would set a precedent for additional B&Bs in the area and would also mean that the property is more likely to turn into student accommodation. This application is for the change of use to a B&B at this particular address. The determination of this application cannot consider any potential future applications. Furthermore, any other applications (for B&B use or student accommodation) would be assessed on their own merits at the time of their submission.
26. Concerns were also raised that the use of the property as a B&B would be out of keeping with the residential character of the area. However, the proposed B&B is modest in size with a small number of bedrooms. The use of the property would be for temporary residential accommodation. Therefore the activities at the site are considered to be consistent with those associated with a standard residential dwelling. It is acknowledged that the intensity of the use of the site is increased as a B&B compared with a dwelling, however the impacts upon the surrounding area are considered to be acceptable, subject to the below assessment.

### **Main issue 2: Design**

27. Key policies and NPPF paragraphs – JCS2, DM3, NPPF 8 and 12.
28. There are no external changes proposed to the building and therefore the proposal is not considered to be detrimental to the appearance of the surrounding area.
29. Concerns were raised that the existing extension is oversized for the property and the plot. From Council records it appears that a two storey extension was granted permission in 1989. In addition, no further extensions are proposed at the property. Therefore this matter is not considered further.

### **Main issue 3: Amenity**

30. Key policies and NPPF paragraphs – DM2, NPPF paragraphs 8 and 12.
31. Guests of the proposed B&B would benefit from a good standard of amenity with en-suite rooms, suitable outlook and use of ample outdoor space.
32. Concerns were raised that the increased occupancy of the site would result in disturbance to neighbours through additional traffic, parking being located at the rear of the site and the use of outdoor areas by guests at unsociable hours.

33. Officer's also raised concern with regard to the location of parking to the rear of the site and considered that this would be harmful to neighbouring amenity and would be a departure from the pattern of surrounding development. Revised plans have been submitted removing the parking area from the rear. It is recommended that a condition to restrict use of the rear of the site for parking is added. Further assessment on parking provision is provided in Main Issue 4.
34. Although the proposal is of a modest scale and activities at the site will be residential in character, it is acknowledged that the intensity of the use of the site would increase. There is the potential for the additional trips to and from the site, as well the use of outdoor spaces to cause disturbance to the neighbouring dwellings. Therefore, it is considered appropriate to include a condition requiring the submission of a management plan which would be required to highlight how arrivals/departures and outdoor spaces would be properly managed. Furthermore, a condition should be included to restrict the hours of refuse collection and deliveries.
35. Concerns were also raised that there would be additional odour pollution from cooking smells from the site. Given the modest size of the proposal, any odour pollution is considered to be minimal. However, a condition should be included requiring details of any extract ventilation etc. that may be required at the site in order that any impacts from odour or noise can be assessed appropriately. Existing extraction is of a domestic nature only.

#### **Main issue 4: Transport**

36. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 9 and 12.
37. Concerns were raised that the proposed scheme would not provide for sufficient car parking on site. The submitted site plan shows that 4 parking spaces can be provided within the existing front driveway. Additional parking provision was shown at the rear of the site, however this was removed on officer request due to amenity concerns. Maximum car parking standards for a B&B is for 3 spaces for every 4 bedrooms. Therefore 4 parking spaces for a 5 bedroom (plus one staff bedroom) B&B is considered appropriate.
38. In addition, the parking standards indicate that reduced parking provision can be considered where on-street parking is unrestricted. In this case on street parking is not restricted. The property is also located along a main bus route and within walking/cycling distance of nearby amenities. The Transportation officer has also not objected to the proposal.
39. Concerns were also raised that the proposal did not provide details of refuse storage and collection arrangements. These details should be secured by condition.
40. The Transportation officer has requested that cycle parking is provided on site. These details should be secured by condition.

#### **Compliance with other relevant development plan policies**

41. 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.



<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes subject to condition

### **Other matters**

42. Concerns were raised that an outbuilding within the rear garden of the site appears to cross the boundary of the property. Land ownership queries are a civil matter and not a material planning consideration. Therefore this issue has not been considered further.
43. Representations also raised concern with the provision of a bar area within the dining room area of the B&B. The provision of a bar area inside the building for use by B&B guests is considered acceptable on the basis that it would be in use by the B&B guests only. Any concerns relating to the wider use of the bar area by the public form part of the enforcement case, is currently under investigation and does not form part of the assessment of the application for the B&B. Concerns relating to permission to sell alcohol on the premises is a licensing issue and not a material planning consideration.
44. No further information is required regarding the protection of trees in this case as they are located along the rear of the site adjacent to the boundary fence and there are no external works proposed.

### **Equalities and diversity issues**

45. There are no significant equality or diversity issues.

### **Local finance considerations**

46. 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.
47. 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.
48. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

49. The proposed B&B would not result in an overall loss of housing as it would continue to provide accommodation for the owner. The site location is considered suitable for a B&B given that it is located along a main arterial road into the city and has good links to UEA and sustainable transport networks. The use of the B&B is

considered to be in keeping with the residential character of the area, however it is acknowledged that the intensity of the use of the site would increase. The proposal can accommodate an appropriate level of parking on site. Therefore, subject to the imposition of appropriate conditions, the proposal is considered acceptable.

### **Recommendation**

To approve application no. 18/01453/U - 547 Earlham Road Norwich NR4 7HW and grant planning permission subject to the following conditions:

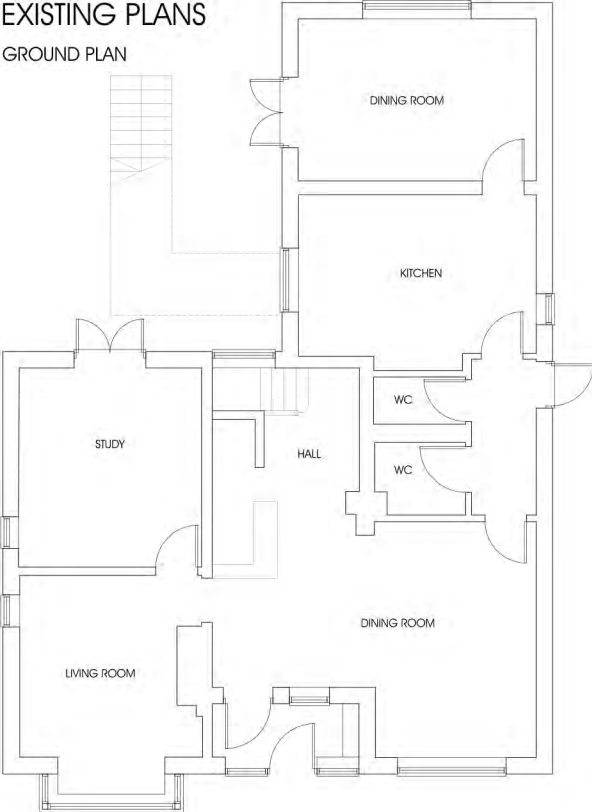
1. Standard time limit;
2. In accordance with plans;
3. Details of any extraction/mechanical ventilation;
4. Hours for refuse collection and deliveries;
5. Submission of management plan;
6. Bin and bike stores;
7. No use of the rear curtilage for car parking;
8. Use of the premises shall be as a B&B.

### **Article 35(2) statement**

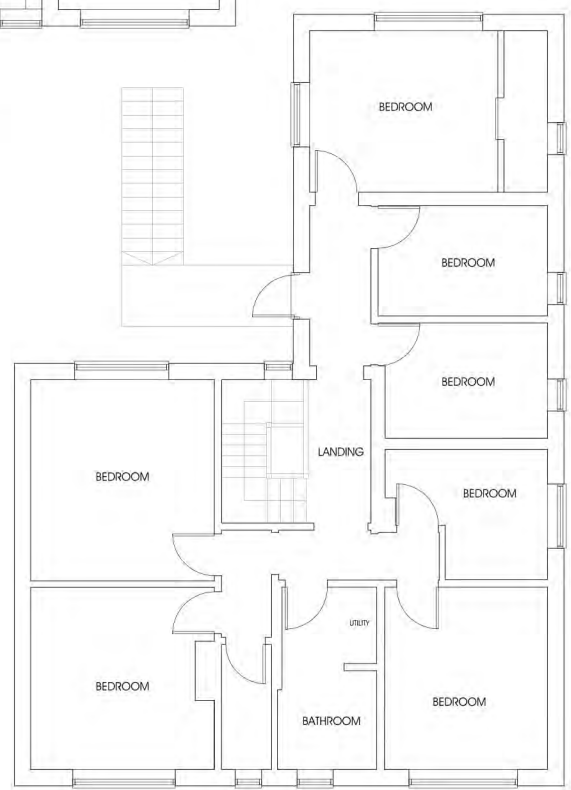
The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

# EXISTING PLANS

GROUND PLAN

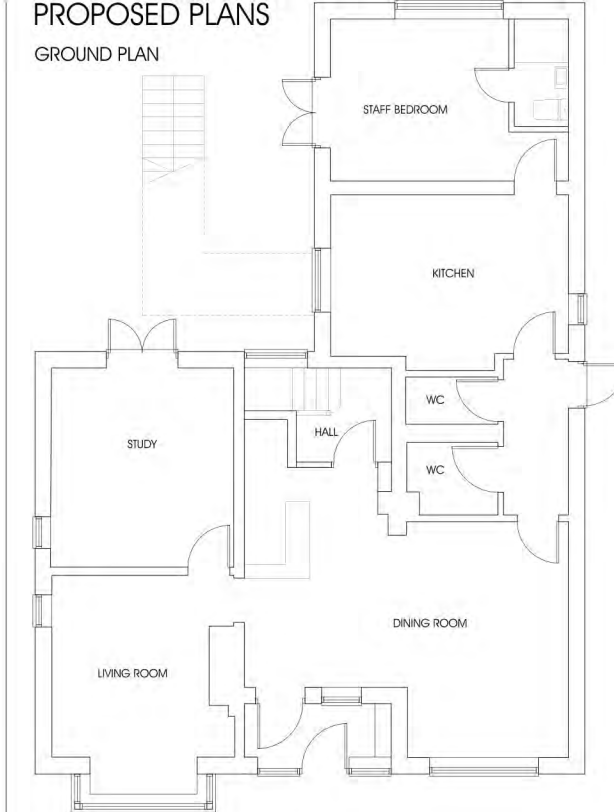


1ST FLOOR PLAN

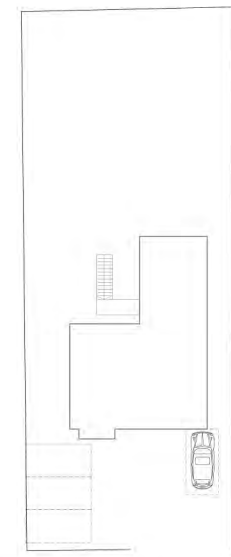
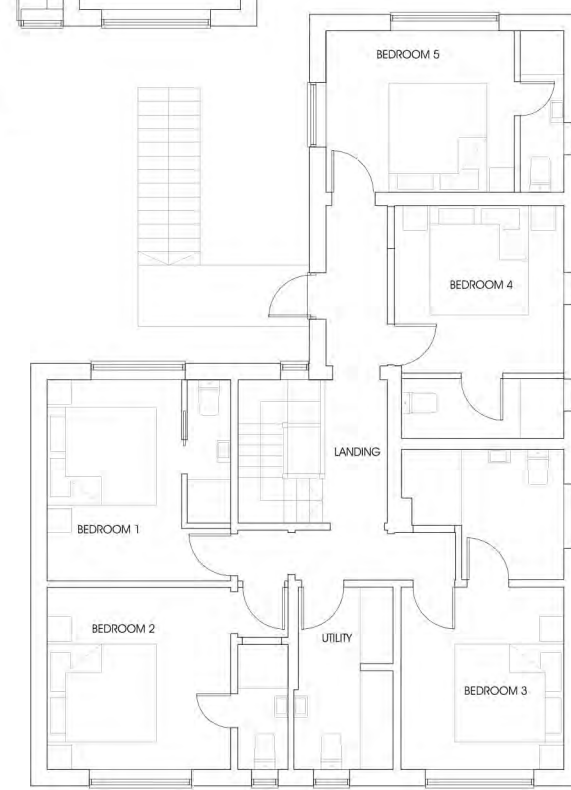
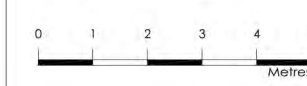


# PROPOSED PLANS

GROUND PLAN



1ST FLOOR PLAN



EXISTING & PROPOSED SITE PLAN 1:200

REV DATE DESCRIPTION  
**AD Architects**  
 30 ROBIN HOUSE NEWCOURT ST LONDON NW6 7AD  
 TEL 020 77229558 www.angliadesign.co.uk  
 11 CHARING CROSS NORWICH NR2 4AX  
 TEL 01 603 666576 mail@angliadesign.co.uk

JOB TITLE	547 EARLAM ROAD, NORWICH NR4 7HW
CLIENT	MIR WILLIAMS
DWG STAGE	PLANNING
DWG TITLE	EXISTING & PROPOSED PLANS
SCALE	1:50 @ A1
DATE	SEPT 18
DRAWING NO	NS-4196-100
REV	B