

## **Schedule of Planning Applications**

Committee Date: 7<sup>th</sup> December 2022

Application Number: 06/22/0845/CU - [Click here to see application webpage](#)

Site Location: 74 Rodney Road, Great Yarmouth, NR30 2LJ

Site Location Plan: See Appendix 1

Proposal: Retrospective change of use from C3 dwellinghouse to C4 House of Multiple Occupation (HMO)

Applicant: Mrs Anuma Shrestha 13 Stapleford Avenue Newbury Park Ilford, Essex IG2 7RU

Case Officer: Mr R Tate

Parish & Ward: Nelson Ward

Date Valid: 22-09-22

Expiry / EOT date: 15-12-22

Committee referral: As requested by Councillor T Wright and in light of public concerns raised principally concerning impacts on amenity and the local highway network

### **RECOMMENDATION:**

**APPROVE SUBJECT TO CONDITIONS**

### **REPORT**

#### **1. The Site and Context.**

- 1.1 74 Rodney Road is a three storey end-terrace property located within Nelson Ward, in Great Yarmouth. The property has a similar visual appearance to its adjoining neighbour with white render and a red clay pantile roof.
- 1.2 The site is located within a dense part of town where development predominantly consists of dense residential development, mainly terraced properties although there are several examples of flats nearby.
- 1.3 The site is within the restricted parking area – Zone A – where parking within bays is restricted to resident permit holders only between the hours of 8am to 6pm. Outside of these bays are double yellow lines preventing parking.
- 1.4 The application is described as retrospective change of use from C3 dwellinghouse to C4 House of Multiple Occupation (HMO). At the time of the site visit the unit was vacant undergoing a refurbishment; the application form states that this building was first used as a HMO since 2012 and the previous owner had a HMO licence granted in 2018 from Environmental Services which is understood to be limited to 5 persons.

1.5 The change of use of a property from C3 residential use to C4 HMO use is usually considered to be permitted development under Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended). This permitted development right is removed as there is a Borough-wide Article 4 direction in place preventing the change from C3 to C4 being possible as permitted development. As such, this requires express planning permission.

## **2. The Proposal**

2.1 This application seeks planning permission for the change of use of the property to a C4 use class HMO; class C4 is intended to allow up to 6 residents. Information submitted with the application confirms that there would be 5 bedrooms with a maximum of 6 occupants. The following layout is proposed:

- Basement: storage
- Ground Floor: Kitchen, communal room, w/c and Bedroom 1.
- First Floor: Bedroom 2 (inc. an ensuite), Bedroom 3 and Bathroom.
- Second Floor: Bedroom 4 and Bedroom 5.

2.2 The application does not seek to amend the existing location of the bins which are currently stored in a courtyard area to the rear of number 73 Rodney Road. There are currently 2x domestic black bins and 2x recycle green bins which are collected by GYBS.

## **3. Site Constraints**

3.1 The site is within the development limits as defined by GSP1.

3.2 The site is within the Orange 400m to 2.5km Indicative Habitat Impact Zone.

## **4. Relevant Planning History**

4.1 There is no relevant planning history

## 5. Consultations

### Statutory Consultees

<b>Consultee: Local Highways Authority</b>		<b>Response: No objection</b>
<b>Officer comment / response:</b>	n/a	
Any relevant Condition / Informative note?	n/a	

### Internal Consultees

<b>Consultee: Environmental Services</b>		<b>Response: General Comments</b>
<p>Comments:</p> <p>It is likely that the property will come under the requirement for mandatory licencing under the Housing Act 2004, based on the number of storeys and number of individual letting bedrooms. If the property does come under the requirements for licencing, then the owner must apply for a licence, or an offence will be committed under Section 72 of the Housing Act 2004. If the property does not fit the requirements for mandatory licencing it may still be a 'House in Multiple Occupation', and as such will be required to have sufficient amenities and have adequate fire prevention measures and fire detection system installed. The owner must ensure that the property complies with amenity levels and fire safety by liaising with the local authority Environmental Health Services.</p> <p>As this property resides in the selective licencing area the owners must therefore make an application via the Home Safe Scheme to licence the property.</p>		
<b>Officer comment / response:</b>	n/a	
Any relevant Condition / Informative note?	Planning can not require applicants to pursue a licence but whilst the applicant is aware of this requirement, it is helpful to include the advice as an informative on any permission decision notice.	

<b>Strategic Planning</b>	<b>Response: Support in principle</b>
<p>The principle of locating a new HMO within this area is broadly supported through Policy H12, however there remains some uncertainty regarding the precise number of tenants that are likely to occupy the property.</p> <p>If approved, the planning consent should be subject to a condition to a maximum occupancy of 6 persons, as a C4 HMO. However the precise number should be informed in consultation with the Council's Environmental Health Officer who will be best placed to advise of the adequacy and suitability of the proposed bathroom and kitchen facilities, as it may be that a tighter condition restricting a smaller number of tenants is more appropriate.</p>	
<b>Officer comment / response:</b>	The applicant has since confirmed the number of occupants and Environmental Health raised no objection to 6 people occupying the HMO.
Any relevant Condition / Informative note?	Recommended to impose a condition to prevent more than 5 people residing in the property because this is the basis on which the application was presented and assessed, and because there are only adequate facilities for 5 persons at once.

## 6. Publicity & Representations received

Consultations undertaken: A site notice was posted outside the property and public consultation ended on the 28-10-22.

### Ward Member – Cllr Tony Wright

<b>Cllr Tony Wright</b>	<b>Response: Object</b>
<p>Further to my previous e mail regarding 74 Rodney Rd my main concern is that of having an HMO in an area which clearly has a number of Flats with Isabella Square, and Ravelin House to name but two and the majority of properties in the immediate area of this part of Rodney Rd are mainly family homes.</p> <p>The property itself rears on to other family homes in a small courtyard style and whilst I believe having an HMO is not a suitable development which may impact on the neighbouring homes by having 5 individual units, the property would no doubt be more suitable for individual self contained flats (2) and more conducive to what is already established within this area.</p> <p>There is clearly an issue with parking which is within 'zone A' mainly due to the considerable number of individual flats within this area.</p>	

I noted from visiting the area that the bins are at the rear of the property and seeing that the environmental services have had to attach warning notes due to the misuse of the bins that having up to six individual tenants may well increase the problem of incorrect use – this is an issue in other parts of the ward where there are HMO's – although I accept this is not exclusively a problem just with HMO's nor am I determining that any future occupants would not adhere to the rules, merely that overall this appears to be problematic elsewhere and is of concern to the Environmental department already.

I read what the applicant had to say with regard to other comments and that this property would be different by having 'professional's in occupation and that they would not accept any misbehaviour etc' I do not know how this could be controlled as even with flats there could be no guarantees, but by virtue of having a minimum of 5 individuals in one property sharing facilities is not what I would consider as suitable and would increase the possibility of having neighbour issues.

I have noted the comments by other objectors who live in this area and have witnessed many anti social issues but have myself had no contact with them at this stage but I am aware of some (not all) of the issues raised within some of the comments and have over time raised these concerns with the council.

I also noted that the plans of the proposed layout that the kitchen is adjacent to the WC with just 1 door separating these rooms – this may not be a reason to object to this application but merely raising what I consider to be totally unsuitable to have the communal kitchen immediately next to a toilet whereas if they were flats with self contained facilities – not shared – may be more appropriate.

The above may or may not be considered reasons under 'planning laws' but knowing the area as well as I do, I know that it would be wrong to agree to this retrospective application to have this property as an HMO.

<p><b>Officer comment / response:</b></p>	<p>Principle of Development: The principle of development is supported by policy H12 (if other criteria are satisfied) and the site is outside of an area where the Local Plan resists HMOs.</p> <p>Parking: The site is located within walking distance to the town centre and occupants would unlikely be totally reliant on the private car.</p> <p>Anti-social behaviour: HMOs do not lead to anti-social behaviour <i>per-se</i> and this is not a material planning consideration; should any anti-social activities occur then there are other channels in place to deal with this.</p> <p>Internal Layout: Rooms and living spaces are considered appropriate for the intended use. Licensing would address whether there is appropriate separation between kitchen and WC for example.</p>
<p>Any relevant Condition?</p>	<p>n/a</p>

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## Public Representations

At the time of writing 7 public comments have been received.

### Objections / Concerns:

	Representation	Officer Comment	Relevant Condition/Informative
1	No Need for HMOs.	HMOs undoubtedly play an important role in providing lower-cost accommodation in the Borough, and the Council is keen to ensure that where they are proposed (and present) they are of good standard.	Recommended to impose a condition to prevent more than 5 people residing in the property at any one time.
2	Insufficient Parking	The application site is located close to the town centre within a sustainable location. Residents would therefore not be totally reliant on the provide motor car for day to day journeys and the proposal would not necessarily create adverse levels of parking pressures.	No conditions necessary.
3	Lack of larger dwellings within the Borough to Rent	This is not considered to be a material planning consideration in respect of this scheme as this is anecdotal and not substantiated.	n/a
4	Would create noise and disturbance to neighbours	HMOs can sometimes have amenity impacts both on their residents and on adjoining residents. It is therefore important to ensure that occupancy levels are restricted to ensure that these are not over and above what would be normally expected for a dwelling of this size. If a nuisance arose it would be better investigated through other services.	No conditions necessary.
5	Area is primarily residential	The proposal is for a C4 HMO which would accommodate a number of residents to a regular dwelling house. The character of this use does differ from this but the	n/a

		immediate area would not suffer from a proliferation of C4 uses.	
6	Anti-social behaviour	HMOs do not lead to anti-social behaviour <i>per-se</i> and this is not a material planning consideration; should any anti-social activities occur then there are other channels in place to deal with this.	n/a
7	Adverse impact on local community	See point 6.	n/a

### General Comments

Representation	Officer Comment	Relevant Condition/Informative
If it was for 6 persons then I would have no objections but for any more the building is not suitable.	C4 use is for a maximum of 6 people and therefore any excess of this would require planning permission in its own right.	

### Relevant Planning Policies

#### **The Great Yarmouth Core Strategy (adopted 2015)**

- Policy CS1: Focusing on a sustainable future.
- Policy CS2: Achieving sustainable growth.
- Policy CS3: Addressing the borough's housing need.
- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS11: Enhancing the natural environment.
- Policy CS16: Improving accessibility and transport.

#### **The Great Yarmouth Local Plan Part 2 (adopted 2021)**

- Policy GSP1: Development Limits.
- Policy A1: Amenity.
- Policy H12: Houses in multiple occupation.

### Other Material Planning Considerations

#### National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

## Planning Analysis

- a. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
  
- b. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to–*
  - (a) *the provisions of the development plan, so far as material to the application,*
  - (aza) *a post-examination draft neighbourhood development plan, so far as material to the application,*
  - (b) *any local finance considerations, so far as material to the application, and*
  - (c) *any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

## Main Issues

The main planning issues for consideration include:

- Principle of development
- Amenity
- Parking and Highway Safety

## **Assessment:**

### **Retrospective change of use from C3 dwellinghouse to C4 House of Multiple Occupation (HMO)**

#### **7. Principle of Development**

- 7.1 Houses in Multiple Occupation (HMOs) are, for planning purposes, those properties being shared by three to six occupants who form two or more (separate) households and who share a kitchen, bathroom and/or toilet (use class C4). It is noted that there has been financial pressure in the past to convert guest-houses, hotels and C3 dwellings in the Town to C4 and sui-generis HMOs, particularly in the Back of Sea Front Area.



7.2 HMOs undoubtedly play an important role in providing lower-cost accommodation in the Borough, and the Council is keen to ensure that where they are proposed (and present) they are of good standard. However, HMOs can sometimes have amenity impacts both on their residents and on adjoining residents. Any new HMO proposal must therefore be appropriately located and designed, and there must not be an over-concentration of HMOs in any one area, which are criteria set out within Local Plan Part 2 policy H12. Considerations such as parking provision, bin storage and general amenity will help to maintain the quality of the local environment for both existing and new residents, and relevant other Local Plan policies will need to be taken into account (such as CS9, A1 and I1).

7.3 Policy H12 is the principal policy when assessing applications for HMOs. This policy recognises where HMOs have presented a strain on the local character and identifies areas within the Town where new HMOs (both C4 and sui-generis 'large HMO' types) will not be permitted. These are within the 'Great Yarmouth Seafront Area' (Policy GY6), the 'Hall Quay Development Area' (Policy GY3) and the 'Back of Seafront Improvement Area' (Policy GY7) where the Local Plan seeks to develop a different character for those areas.

Policy H12 states:

*"New Houses in Multiple Occupation (HMOs) will not be permitted in the designated 'Seafront Area' and 'Back of Seafront Improvement Area' due to the need to protect the character and nature of these areas. New HMOs will also not be permitted in the designated 'Hall Quay Development Area' due to the desire for specific types of high-quality re-development in this location."*

7.4 The application site is not within any of the areas where the principle of HMOs is considered in the Local Plan to be unacceptable. As such, subject to the proposal providing sufficient bin storage and not harming neighbouring amenity (which will be explored in later sections of this report), the principle of a C4 HMO in this location is considered to be acceptable and consistent with the requirements of policy H12.

7.5 Policy H12 requires the applicant to state the number of occupants which would occupy each bedroom. According to the size standards outlined in Table 6.1 of the policy supporting text to H12, when comparing the standards to the sizes of rooms in the building, the proposal could result in the following maximum number of persons for each bedroom:

- Room 1 = 12.2sqm – maximum of 2 persons
- Room 2 = 9.9sqm – maximum of 1.5 persons (adult and child (1-10years))
- Room 3 = 12.5sqm – maximum of 2 persons
- Room 4 = 12.8sqm – maximum of 2 persons

- Room 5 = 12.3sqm – maximum of 2 persons

7.6 The applicant has stated that the HMO would be occupied by no more than 6 people, which it should be noted is the maximum allowed under a C4 use, however they have not stated which room would be occupied by more than one person. When considering the layout of the property, it would be recommended to restrict the occupancy of the building to 5 people – i.e. one per bedroom. This would then reduce the intensity of the use and offer some mitigation to neighbours' concerns.

## **8. Bin Storage**

8.1 The bins are currently stored in a courtyard area to the rear of number 73 Rodney Road. There are currently 2x domestic black bins and 2x recycle green bins which are collected by GYBS.

8.2 Information submitted with the application confirms that the bins would continue to be stored in this area.

8.3 Policy H12 A states: "there must be provision of adequate practical bin storage for the number of potential occupants out of sight from the street such as within the curtilage to the rear of the property, or in covered bin storage within a frontage curtilage, of a scale and of a design which maintains or improves the character and amenity of the area". The bins would be stored out of site from the highway although are not stored within the curtilage of the subject property – which in this instance would not be practical. The proposal would not result in any change from the existing situation and therefore would not cause any further harm to the surrounding character or neighbouring amenity.

## **9. Amenity for future occupants**

9.1 With a HMO, occupants share communal spaces such as kitchens, living rooms and bathrooms. The supporting text to policy H12 requires that a minimum ratio of one kitchen and one bathroom for every six occupants is provided. The proposal complies with this and along with the bathroom on the first floor, also provides a w/c, kitchen and communal room on the ground floor. The adequacy of facilities and their availability is a matter for the licensing authority to consider.

9.2 Occupants of HMOs tend to spend more time within their individual bedrooms rather than if the property were to be used as a single family dwelling. It is therefore important that

each room is of a regular size, well sized and provided with suitable levels of natural light and outlook. All of the bedrooms within the property are considered to provide residents with sufficient levels of amenity. As such, in this regard, the proposal is considered to comply with policies A1 and CS09 F.

## **10. Amenity for neighbouring users**

- 10.1 Adopted Policy A1 expands on CS09 F to ensure that no significantly harmful amenity issues occur, including overlooking and loss of privacy; nuisance, disturbance and loss of tranquillity from waste and clutter, intrusive lighting, noise, and poor air quality (including odours).
- 10.2 The supporting text to policy H12 recognises that HMOs can sometimes have amenity impacts both on their residents and on adjoining residents. In general C4 HMOs should have no significantly greater impact on amenity, character and parking (for example) than C3 dwellings, compared to what might be significantly larger impacts which could occur with a sui-generis 'large' HMO of more than 6 persons in residence.
- 10.3 Whilst it is recognised that the staircase is adjacent the shared wall with the neighbouring property, it is not considered that use of this staircase would result in such adverse impacts *vis a vis* noise and disturbance that it would significantly affect the amenity of the neighbours.
- 10.4 In terms of the impact to the wider amenity of the area, the property's use as a HMO does not automatically mean that this would give rise to unacceptable levels of additional noise and disturbance or concerns with anti-social behaviours. Should anti-social behaviours occur then there are channels in place outside of the planning system to deal with this.

## **11. Highways**

- 11.1 There is no off-street parking provided as part of this application. However, it is recognised that the site is located within a highly sustainable location, close to the town centre and its associated shops, services, amenities, and wider public transport links. As such, future residents would not be totally dependant on the private car and would have access to services by sustainable means. Due to the close proximity of the town centre, in this instance cycle storage is not considered imperative.

- 11.2 The Local Highways Authority (Norfolk County Council) have been consulted on the application and raise no objection to the scheme.
- 11.3 Whilst neighbours have raised concerns about the cumulative pressures on on-street parking, members should be mindful of NPPF paragraph 111 which states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* As the area is subject to residential permit parking there is no reason to believe that the levels of car parking will increase in the vicinity.

## **12. Impact on Designated Sites**

- 12.1 In terms of the impact on designated sites within the Borough, a C4 HMO (up to 6 people) and a C3 dwelling are considered to be equal according to the Countywide GIRAMS strategy. As such, a HRA and GIRAMS contribution is not required as there is not considered to be an additional impact.

## **13. The Planning Balance**

- 13.1 The application site is within an area where the principle of HMO uses are considered acceptable and this proposal would not undermine the Council’s strategy for ensuring that HMOs are directed away from areas that are seeing character changes as part of other policies in the Local Plan. The proposal provides suitable levels of amenity for future occupants and each occupant would have a quality of living space which would be in line with policies A1 and H12.
- 13.2 No off-street parking is provided, and the surrounding area does have parking restrictions in place due the existing level of demand. However, the site is located close to the town centre and future occupants would not be reliant on the private car so this proposal would not necessarily directly lead to an increased pressure on parking.
- 13.3 The bin storage is not located within the curtilage of the property and is not covered; however, it is not visible from the street and this proposal would not generate any further harm when compared to the existing situation.
- 13.4 To mitigate the impacts on the surrounding area, and to ensure a high quality of living for future occupants, the occupancy of the property should be limited to 5 people by planning condition.

## **14. Conclusion and Recommendation**

- 14.1 Having considered the details provided, the application is considered to comply with policies CS01, CS02, CS03, CS09, CS11 and CS16 from the adopted Core Strategy, and policies GSP1, H12 and A1 from the adopted Local Plan Part 2. It is considered that there are no other material considerations to suggest the application should not be recommended for approval.

### **RECOMMENDATION:**

It is recommended that application 06/22/0845/CU should be APPROVED subject to the following Conditions:

### **Proposed Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.

The reason for the condition is :-

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the application form and the following plans received by the Local Planning Authority on the 22<sup>nd</sup> September 2022:

- Site Location Plan
- Floor Plan

The reason for the condition is:-

For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any order revoking or re-enacting that Order, the premises shall only be used as a House of Multiple Occupation (Class C4) with a maximum of five bedrooms only. Only the rooms labelled as Bedrooms 1, 2, 3, 4, and 5 on the approved floor plan (labelled as 74 Rodney Road) shall be used for bedroom accommodation, and all other rooms shall remain available for use as communal facilities.

The reason for the condition is :-

In accordance with what was applied for and to ensure suitable living accommodation for all occupiers.

4. The House of Multiple Occupation hereby approved shall not be permanently occupied by any more than 5 people at any one time.

The reason for the condition is :-

To mitigate the impact on neighbours and parking pressures resulting from any intensification of the use.

And any other conditions considered appropriate by the Development Manager.

#### **Appendices:**

1. Site Location Plan

# H.M. LAND REGISTRY

TITLE NUMBER

## NK65920

ORDNANCE SURVEY  
PLAN REFERENCE ©

COUNTY SHEET  
NORFOLK

NATIONAL GRID  
TG 5207

SECTION  
Q

Scale: 1/1250

GREAT YARMOUTH DISTRICT

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