

Report for Resolution

Report to Planning Applications Committee
19th January 2012

Report of Head of Planning Services

Subject 11/00217/VEPA/ENF - Land Between Greyfriars Road And
Rose Lane Rose Lane Norwich NR1 1PN

Item
6(1)

SUMMARY

Description:	Unauthorised use of the above land for the parking of motor vehicles, most recently as contract car parking	
Reason for consideration at Committee:	Enforcement Action required (Not delegated to Head of Planning)	
Recommendation:	Authorise enforcement action, including prosecution, if necessary, under s.172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of the unauthorised use.	
Ward:	Thorpe Hamlet	
Contact Officer:	Ali Pridmore	Enforcement Officer

INTRODUCTION

The Site

Location and Context

1. The site is located to the north of Rose Lane between Greyfriars Road which runs to the west of the site and Maidstone Road which runs to the east of the site. To the rear are residential flats. The site was previously occupied by a retail unit (Gerald Giles, 26-36 Rose Lane). These buildings have since been demolished under a Conservation Area Consent (application reference 04/00936/C) approved in December 2004.

Planning History

2. The application site received consent for redevelopment for a four-storey building to provide 4 retail units, 24 apartments and associated car parking, approved in December 2006 under application reference 06/00789/F. This permission expired in 2009.
3. Following a report to Planning Applications Committee on 22 October 2009, a retrospective application (App. No. 09/00792/U) to use the vacant site for a pay and

display car parking was refused and enforcement action was authorised. The resultant enforcement notice was not served because in the meantime the use ceased.

4. On 23 March 2010 a further planning permission (App. No. 09/01400/F) was granted for 'Erection of a four storey building to provide three retail units, 24 apartments and associated car parking. This permission has yet to be implemented but does not expire until 23 March 2013.

Policy Considerations

5. The Norwich Area Transportation Strategy (NATS) was reviewed in 2004 and is a joint strategy between Norwich City Council, Norfolk County Council, Broadland and South Norfolk District Councils. This strategy is currently being updated again and a consultation document, 'The Implementation Plan' for the Norwich Area Transportation Strategy (NATS) was approved through Norfolk County Council's Cabinet on 6 April 2010.
6. The strategy provides the detailed policy background to transport within the Norwich Area. The strategy seeks to cater for growth in travel demand, whilst maintaining or improving the quality of the built environment and supporting the economic growth of the area by accommodating the growth in demand for trips by means other than by car.
7. NATS gives considerable emphasis to measures to promote a shift of modal choice from the car to walking, cycling and public transport. NATS policies 8 and 32 are particularly relevant. These seek to improve accessibility by accommodating growth by means other than the car and state that parking provision in the City Centre will be limited to the replacement of existing provision.
8. This is consistent with saved policies TRA3, TRA21 and TRA24 of the Replacement Local Plan (Adopted November 2004), policy 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011) and policy T2 of the East of England Plan (Adopted May 2008) which seek a modal shift away from the car. These policies also seek reduced intrusion of the car into the City Centre. The NATS strategy is also consistent with the objectives of PPG13 (Updated January 2011).

Transport and Access

Car Parking

9. City Centre parking should support its retail and leisure functions. Commuting causes peak hour traffic congestion, and should be accommodated within the urban area by public transport, walking and cycling, and outside the urban areas through the provision of long-stay parking at 'Park and Ride' sites. The policies have been successful and have actually resulted in a small reduction in traffic entering the City Centre, despite the amount of development that has taken place.
10. Vacant site car parks such as the application site will only worsen the situation. Contract car parking is clearly aimed at commuters, and this undermines not only the overall transport strategy, and increases traffic levels causing even more congestion in peak periods, but it also undermines the operation of 'Park and Ride' services.
11. Even as a contract car parking site, it would add to the supply of parking in the City Centre and undermine the operation of legitimate, and properly managed and secure provision, whilst also encouraging a generally more car-dependant culture. This will have a knock-on effect of reducing reliability of public transport and make cycling and walking less pleasant alternatives, whilst adding to calls for ever increasing vehicular capacity on the road network.

Impact on Living Conditions

Noise and Disturbance

12. There are residential flats in very close proximity, some of which house elderly residents at ground floor level. Saved policy EP22 states that residential amenity, for existing or potential residents, should be protected, and that development which will have a negative impact on residential amenity will not be permitted.

Other Material Considerations

Conservation Area – Impact on Setting

13. The site is located within the Prince of Wales Road character area of the City Centre Conservation Area Appraisal. It is considered that a surface car park on this site would have a significant negative impact on the character of the surrounding Conservation Area.

Equality and Diversity Issues

14. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant: -

Article 1 of the First Protocol (the peaceful enjoyment of one's possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building in the interests of amenity is proportionate to the breach in question.

Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

Conclusions

15. Parking policy is a critical part of the overall transport strategy for the City. Additional temporary car parking will not only undermine the operation of legitimate, and properly run and maintained facilities (including 'Park and Ride'), but also increase congestion in a City where the opportunity to facilitate increased car use is not only undesirable, but severely restrained.
16. The unauthorised use is therefore contrary to saved policies TRA3, TRA21 and TRA24 of the City of Norwich replacement Local Plan (Adopted Version November 2004), policy 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011) and the objectives of PPS1, PPG13 and NATS to promote a shift of modal choice from the car to walking, cycling and public transport.
17. The unauthorised use would have a negative impact on the character of the City Centre Conservation Area contrary to saved policy HBE8 of the adopted City of Norwich Replacement Local Plan, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011), policy ENV7 of the adopted East of England Plan and the objectives of PPS5.

RECOMMENDATIONS

AUTHORISE enforcement action, including prosecution, if necessary, under s.172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of the unauthorised use.

Background Documents

Delegation of powers from Planning Application Committee – April 2010
Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)
City of Norwich Replacement Local Plan (Adopted Version, November 2004)
Relevant correspondence – Enforcement File – 11/00217/VEPA/ENF

