

Report for Resolution

Report to Planning Applications Committee
Date 19 January 2012
Report of Head of Planning Services
Subject 1 City Road, Norwich, NR1 3AJ

Item
6(3)

SUMMARY

Description:	Unauthorised use of the site as a hand car wash.
Reason for consideration at Committee:	Enforcement Action recommended
Recommendation:	Authorise enforcement action to secure the cessation of the unauthorised use and undertake legal proceedings, including prosecution if necessary.
Ward:	Lakenham
Contact Officer:	Richard Divey 01603 212319

INTRODUCTION

The Site

Location and Context

1. The site is located at 1 City Road, Norwich, NR1 3AJ. Although 1 City Road is not a statutorily or locally listed building it is located within the Bracondale Conservation Area and on the boundary with the City Centre Conservation Area. Locally listed properties exist to either side of the site and locally and statutorily listed buildings are also opposite the site.
2. The site is situated at the busy road junction of City Road with Queens Road, Bracondale and Ber Street. Queens Road and Bracondale form part of the Inner Ring Road and City Road is an arterial road leading to the city centre from the south. The historic layout and configuration of the road network is not ideal as the junction is located on a bend in the main road. Forward visibility is restricted for traffic on the Inner Ring Road, with lateral visibility for traffic attempting to exit City Road and Ber Street also significantly restricted.
3. The site itself is largely occupied by a two and three-storey flat roofed building, which is set back from Bracondale and has an open forecourt to the frontage. The building occupies the full depth of the site and projects forward of the adjoining properties on City Road. The vehicular access to the site is from Bracondale and vehicle access to the building itself is gained via two roller shutter doors to the front elevation.

Constraints

4. Within Bracondale Conservation Area and adjacent to City Centre Conservation Area. Within Area of Main Archaeological Interest. Identified as a 'gateway' site within the City of Norwich Replacement Local Plan 2004.

Planning History

5. There have been no recent planning applications to redevelop the site.
6. The most recent two applications for redevelopment with flats were both refused (references 05/00308/F - 9 flats and 06/00995/F - 6 flats). The latter was also dismissed at appeal.
7. The established use of the site is a storage and distribution use for a paint wholesaler. Advice has previously been provided that this use could still be continued if a new occupier moved in.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Use

8. The site, including the building, is currently being used for hand car washing. The equipment on site at the time of the visit on 16/11/2011 included a pressure washer, chemicals and a vacuum cleaner. There are not known to have been any significant or material alterations to the building or operational development undertaken on the site in conjunction with the unauthorised use.

Human Rights Implications

9. 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 ones 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 use in the interests of highway safety 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.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

Planning Policy Guidance 13 - Transportation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

TRA5 – Sustainable design to reduce car use

TRA18 – Access to major road network

TRA24 – Design of development in city centre to take account of sustainable transport needs

Other material considerations

Written Ministerial Statement: 23 March 2011: Planning for Growth - Support of enterprise and sustainable development.

Draft National Planning Policy Framework

Design Manual for Streets 2007

Principle of Development

10. The location of the site on the Inner Ring Road and at the busy junction of four roads is such that the volume of traffic passing the site is high. As outlined above, visibility is restricted for traffic on and entering the Inner Ring Road. Taking these matters into account, the position of the site and the vehicular access arrangements for it are considered to result in the use of the site as a hand car wash facility being unacceptable.

Transport and Access

Transport Assessment

11. Whilst it is appropriate to take into account the previous use of the site and the likely traffic generation that would have resulted from this, the current unauthorised use is considered to have the potential to result in a significantly greater number of vehicular movements. Any increase in the potential for vehicle movements entering and leaving the site is considered unacceptable due to the potential detriment to highway safety.

Vehicular Access and Servicing

12. It is understood that the current levels of use of the facility are low, but this could increase and, to be economically viable, the level of use is likely to need to increase to a point where several vehicle movements per hour take place. This increase in vehicles turning, entering and leaving the site, in this location, with the access arrangements, road junctions and road alignment as existing, is not considered acceptable in highway safety terms.

13. In addition to this, given the nature of the previous use of the site, the majority of previous vehicular movements would have been under the control of the main site user and, as such, due regard would have been had to the constraints imposed by the location of the site. The nature of the current unauthorised use of the site is such that it has the potential for passing motorists to enter and leave the site with limited anticipation by themselves and little advance warning to other motorists, further exacerbating the risk of an accident occurring.

Car Parking

14. Furthermore, a use such as this is likely to lead to an increased demand for the parking or waiting of cars on the site frontage or on the adjoining street frontage. This potential parking congestion is considered likely to add to the above concerns and again result in a situation which would be considered detrimental to highway safety.

Environmental Issues

Waste Management

15. It is understood that existing facilities on site enable appropriate waste management to occur.

Noise

16. The hand car washing takes place within the building and the noise and disturbance experienced by nearby residents are considered not to be at an unacceptable level given the context of the site's location.

Archaeology

17. Although the site is within the Area of Main Archaeological Interest, the development concerns the change of use of the site and no operational development appears to have taken place. Therefore the development is not considered to have any impact on any heritage assets of archaeological importance.

Conclusions

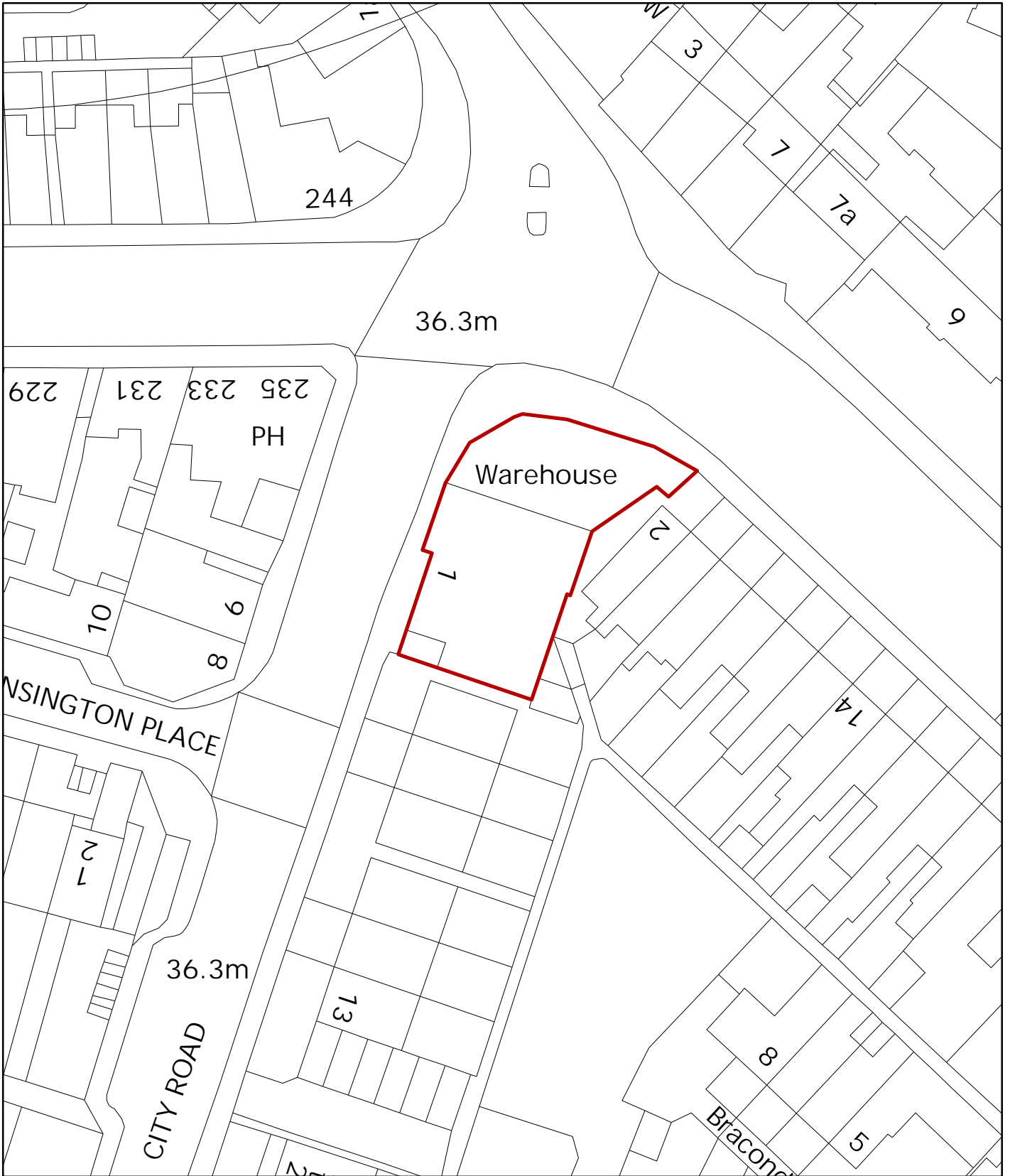
18. The unauthorised use of the site for hand car washing is therefore considered unacceptable due to its significantly detrimental impact on highway safety and authorisation for enforcement action to cease the use, including the use of a stop notice, is recommended.

RECOMMENDATIONS

To authorise enforcement action to secure the cessation of the unauthorised use and the taking of legal proceedings, including prosecution if necessary.

Background Documents

Relevant correspondence – Enforcement File – EH11/32390



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Planning Application No	Enforcement
Site Address	1 City Road
Scale	1:500



NORWICH
City Council

PLANNING SERVICES

