

## Report for Resolution

**Report to** Planning Applications Committee  
22 October 2009

**Report of** Head of Planning Services

**Subject** 09/00792/U Land Between Greyfriars Road And Rose Lane Rose Lane Norwich NR1 1PN

Item  
**5(3)**

### SUMMARY

<b>Description:</b>	Retrospective application for the use of vacant site (former Sony shop) as pay and display car park.	
<b>Reason for consideration at Committee:</b>	Enforcement Action required	
<b>Recommendation:</b>	Refuse	
<b>Ward:</b>	Thorpe Hamlet	
<b>Contact Officer:</b>	Miss Sarah Platt	Planning Officer
<b>Date of Validation:</b>	9th September 2009	
<b>Applicant:</b>	Mr Damien Byrne	
<b>Agent:</b>	Mr Damien Byrne	

### INTRODUCTION

#### The Site

##### Location and Context

1. The application 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.

##### Constraints

2. The site is located within the City Centre Conservation Area and is an area allocated for housing and office development (saved policies HOU 9-12 and EMP16 will apply). The site is also in an area of Main Archaeological Interest (policy HBE3) and the City Centre Leisure Area (AEC1).

##### Planning History

3. The application site has 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.

## **The Proposal**

4. The proposal is for the retrospective use of the site as a pay and display car park for a temporary period of 12 months. The site would provide a maximum of 36 spaces (including 4 no. disability spaces). The proposal does not detail opening hours, but a pay and display car park could be used for a 24 hour period.

## **Representations Received**

5. Advertised on site and in the press. No letters of representation have been received at the time of writing the report.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **Relevant National Planning Policies**

PPS1 – Delivering Sustainable Development  
PPS1 Annex – Planning and Climate Change  
PPG13 – Transport  
PPG15 – Planning and the Historic Environment  
PPG24 – Planning and Noise

### **Relevant East of England Plan Policies**

ENV7 – Quality in the Built Environment  
T1 – Regional Transport Strategy Objectives and Outcomes  
T2 – Changing Travel Behaviour  
T4 – Urban Transport

### **Relevant Saved City of Norwich Replacement Local Plan Policies**

HBE8 – Development Within a Conservation Area  
TRA3 – Modal shift measures in support of Norwich Area Transportation Strategy (NATS)  
TRA21 – Tariffs on Car parks in the City Centre  
TRA24 – City Centre Strategy  
EP22 – Residential Amenity

## **Supplementary Planning Documents and Guidance**

Norwich City Centre Conservation Area Appraisal (September 2007)  
The Norwich Area Transportation Strategy (October 2004)

## **Principle of Development**

### **Policy Considerations**

6. 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. 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 critical to the assessment of this application. 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 Local Plan and policy T2 of the East of England Plan 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. Furthermore, saved policy TRA21 of the Local Plan puts a cap on City Centre parking levels of 10,002 spaces, a figure which is already exceeded.

## **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. Furthermore, the NATS strategy is underpinned by a review of City Centre car parking, which concludes that currently there is an oversupply of parking in the City Centre (even taking into account the cap in policy TRA21). This is demonstrated by the current competition between car park operators that are providing the City Centre parking at levels substantially below 'breakeven' taking into account the cost of the land, construction and operation.
11. Vacant site car parks such as the application site will only worsen the situation. The tariff regimes which offer low cost all day parking are 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.
12. Even if the car park were operated on a short-stay tariff it would add to the supply of parking in the City Centre, forcing further competition, and undermining 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**

13. The close proximity of the car park to the Late Night Activity Zone is likely to attract use from those wishing to use the late night area. There are no controls restricting the use of the car park over the 24 hour period and as such it is considered likely that issues of noise disturbance would arise. 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**

14. 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. No measures for temporary screening or landscaping have been proposed to attempt to mitigate the negative visual impact of the car park.

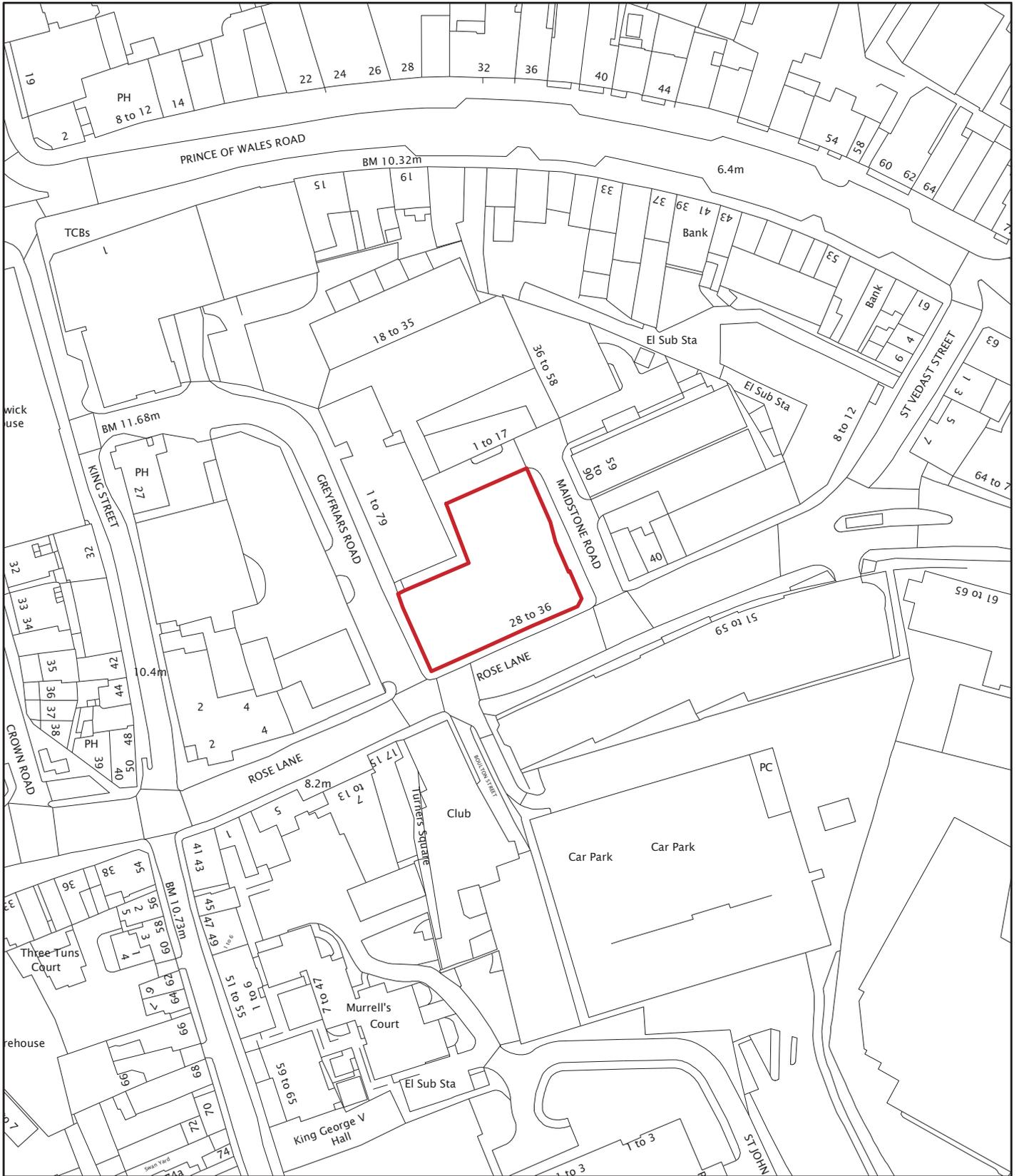
15. Members are advised that the programme of archaeological works conditioned on the approval for the redevelopment of the site (06/00789/F) was not completed and as such the current use of the site as a pay and display car park may have caused irreparable damage to any further potential finds on this site. If members are minded to approve this application it is advised that a condition for the completion of the archaeological works should be placed on the decision.

## **Conclusions**

16. 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. The proposals are therefore contrary to saved policies TRA3, TRA21, TRA22 and TRA24 of the City of Norwich replacement Local Plan (Adopted Version November 2004) 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 proposals are considered to 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 ENV7 of the adopted East of England Plan and the objectives of PPG15.
18. As the proposals are considered to be contrary to policy and the application is retrospective it is advised that enforcement action be taken against the use.

## **RECOMMENDATIONS**

- (1) REFUSE PLANNING PERMISSION for Application No 09/00792/U Land Between Greyfriars Road And Rose Lane Rose Lane the following reasons
  1. The proposed temporary car park would undermine the transportation strategy for Norwich to promote a shift of modal choice from the car to walking, cycling and public transport and as such would be contrary to saved policies TRA3, TRA21 and TRA24 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and the objectives of PPS1, PPG13 and the Norwich Area Transportation Strategy (October 2004).
  2. The proposed temporary car park would have a visually negative impact on the character of the surrounding City Centre Conservation Area contrary to saved policy HBE8 of the adopted City of Norwich Replacement Local Plan, policy ENV7 of the East of England Plan and the objectives of PPG15.
  3. The proposed temporary car park would have a negative impact on the living conditions of residents in the nearby flats and would be contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan and the objectives of PPG24.
- (2) 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. Period for compliance to be 7 days.



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Planning Application No - 09/00792/U

Site Address - Land Between Greyfriars Road & Rose Lane, Norwich

Scale - 1:1250



**NORWICH**  
City Council

DIRECTORATE OF REGENERATION  
AND DEVELOPMENT

