

Report for Resolution

Report to Planning Applications Committee
Date 14 January 2009
Report of Head of Planning Services
Subject 09/01297/U The Value Car Centre, Bishop Bridge Road
Norwich NR1 4ES

Item
5(4)

SUMMARY

Description:	Retrospective application for change of use from sale and display of caravans (Sui Generis) to sale, display, repair and storage of cars (Sui Generis).
Reason for consideration at Committee:	Departure
Recommendation:	Approve subject to conditions
Ward:	Thorpe Hamlet
Contact Officer:	Mark Brown Senior Planner 01603 212505
Valid date:	17th November 2009
Applicant:	The Value Car Centre
Agent:	JCPC Ltd

INTRODUCTION

The Site

1. The site is located on the corner of Bishop Bridge Road and Ketts Hill. Access to the site is via Egyptian Road which runs from Bishop Bridge Road west – east across the middle of the site.
2. A row of mature trees which are the subject of a tree preservation order run along the northern boundary of the site with Ketts Hill. To the east are flats served by Northampton Court. To the south is the former Box and Barrel site which has consent for residential development, beyond this is the Bishop Bridge Road north gas holder.
3. The site is located just outside the Thorpe Hamlet Conservation Area and also outside the City Centre and St Mathews Conservation Area.

Planning History

4. The site has historically been used for caravan sales on the northern half of the site and car sales to the south-western corner of the site.
5. Permission for caravan sales on the northern half of the site was originally granted in 1974 on a temporary basis, a number of further temporary consents were subsequently granted on the site until 1995 when application 4/1995/0972 was approved, removing the temporary condition on permission 4/1994/0950. This 1995 permission had the

effect of granting a permanent consent for caravan sales at the site.

6. An application (08/01172/U) for the change of use of the caravan site was withdrawn in December 2008 following concerns raised by the transportation section relating to the submitted transport statement.
7. The car sales part of the site has also had a plethora of temporary consents since 1973. These were all one year temporary consents, until the submission of application 08/01173/U which granted a three year temporary consent until 17 December 2011.
8. The sum of the above is that the northern half of the site currently has permanent consent for caravan sales and the south-western corner currently has temporary consent for car sales until December 2011.

The Proposal

9. The proposal is for the permanent change of use of the whole site (both the caravan and cars sales sites) to use for car sales display, repair and storage.

Representations Received

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing, one letter of representation has been received.

Comments	Response
<p>I am happy that the change of use happens. The Value Car Centre until now have been good neighbours and have cause very little disturbance.</p> <p>2 concerns - that recently they have installed or started to switch on a flood light fixed to the rear corner of the office which is left on all night and causes considerable light pollution shining directly into the flat and the second is any noise through mending cars at unsociable hours in their sheds at the rear corner of the property. As you will be aware my flat and numerous others border this property directly and the impact of grinders, drills, revving engines after normal business hours would be heard easily.</p>	<p>See paragraph 23 - 25</p>

Consultation Responses

11. Norfolk County Council Highways – It is the preference of the strategic highway authority for the site to be redeveloped for residential use with access derived via the adjacent approved residential site and for the closure of the existing access immediately adjacent to Ketts Hill roundabout. Whilst I am mindful of the recommendation of refusal made in

respect of the earlier application, 08/01172/U, it has now been demonstrated that the present unlawful use generates fewer movements than for the permitted use and that slow moving car/caravan combinations emerging onto the highway have been eliminated. Furthermore, provision has been made for the turning of a car transporter within the site. I am unaware of the use of the whole site by The Value Car Centre having caused any problems on the strategic network and on this basis, there are no Strategic Highway objections to the application. If you are minded to grant consent, please include a condition requiring the onsite car parking, servicing, loading, unloading, turning and waiting areas to be laid out demarcated, levelled, surfaced and drained in accordance with the approved plans within three months of the date of consent.

12. Tree Protection Officer – no significant arboricultural implications;
13. Transportation – no objection, the likely impact of this proposal is unlikely to be worse than the existing and probably represents an improvement.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS4 – Planning for Sustainable Economic Growth

PPG13 – Transport

Relevant Strategic Regional Planning Policies East of England Plan 2008

ENV7 – Quality in the Built Environment

T8 – Local Roads

E2 – Provision of Land for Employment

H1 – Regional housing Provision

Relevant Saved Norfolk Structure Plan Policies 1999

T2 – Transport – New Development

Relevant Saved Local Plan Policies City of Norwich Replacement Local Plan 2004

NE3 – Tree Protection

NE9 – Comprehensive Landscaping Scheme

HBE12 – Design

EP22 – Amenity

EMP1 – Small scale business development

HOU12 (A9) – Sites allocated for housing development

TRA5 – Approach to design for vehicle movement and special needs

TRA8 – Servicing Provision

TRA18 – Major Road Network

Principle of Development

14. The site is allocated for housing development under saved policy HOU12 (A9) for 30 dwellings. The site to the south at 29-31 Bishop Bridge Road (the former box and barrel site) is also allocated for housing under saved policy HOU12 C31. Further south the Bishop Bridge Road (north) gas holder site is allocated for housing under saved policy

HOU12 A32.

15. All of these sites were first identified for residential development in a planning brief adopted in 1995. Although superseded by more recent policies, this document set out certain criteria which remain fundamental to the redevelopment of these sites. In particular there is a requirement that this entire corner site will ultimately be accessed from a single new access from Bishop Bridge Road through the adjacent site to the south and at this time Egyptian Road will be closed off. This is on the basis that the existing access at Egyptian Road is unsatisfactory, due to its proximity to the Ketts Hill Roundabout, and any further or increased use would therefore be unacceptable.
16. Normally an alternative use would not be considered acceptable on a site allocated for housing development, as it would be considered to prejudice the implementation of housing on the site and as such this proposal would be contrary to policy. However, in this case due to the poor access to the site, housing development cannot be implemented without access to the adjacent site to the south and subsequently onto Bishop Bridge Road.
17. The Box and Barrel site is the subject of an extant consent for 24 residential dwellings and there is a resolution to approve a revised scheme for 19 dwellings on the site. Both of these schemes provide for access to the application site. Implementation of the later scheme is constrained by the gas holder to the south which must be decommissioned and have its hazardous substance consent revoked before the development could be implemented.
18. There are, therefore, major hurdles to the implementation of housing development on the application site which are outside the applicants control. Due to these exceptional circumstances it is not considered appropriate in this instance to refuse permission on the basis that it would prejudice the implementation of the development plan. However, it is considered appropriate to consider whether a temporary or permanent consent is appropriate.
19. In circumstances such as this it is considered that a temporary consent may be appropriate. The proposals are contrary to the provisions of the development plan, and whilst the current situation does not allow the owners of the site to pursue redevelopment for housing in the short term this situation is likely to change in the future. A permanent consent may therefore prejudice the long term implementation of housing redevelopment on the site.
20. In the past, one year temporary consents have been granted, however as the reason for a temporary consent on the site would not be for reasons of allowing a 'trial period' to assess impacts on amenity this is not considered appropriate. The reason for a temporary consent in this case would be that whilst implementation of the development plan is not currently possible this is likely to change in the future. In considering the length of such a temporary period it is considered appropriate to allow three years for the implementation of the box and barrel site to the south and a further three years for implementation of the application site, i.e. a total of six years.
21. Conversely, the site has been in use for car and caravan sales since the 1970's and the large majority of the site benefits from permanent consent for caravan sales a similar type of use. The recently published PPS4 encourages Local Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning conditions should not create unnecessary hurdles for businesses trying to expand and be successful in a difficult economy. Policy EMP1 is

also relevant and allows for small scale business development subject to a number of considerations including residential amenity, visual amenity and access.

22. The issue of a temporary or permanent consent is a finely balanced decision, between not prejudicing the long term delivery of housing and not unduly restricting the future of the business. On balance, in light of the PPS4 guidance and the history of the site it is recommended that a permanent consent be granted in this case.

Residential Amenity

23. The buildings used for servicing, valeting and repair of vehicles on the site are located within the area previously used for caravan sales. There were no restrictions on the use of these buildings or on flood lighting for the relevant caravan sales consents granted in the mid 1990's. No physical expansion of the repair and servicing areas is proposed. Since the granting of the consent for caravan sales, residential development has been constructed at Northampton Court, following the grant of consent in 2001. It should also be noted that Environmental Health have no records of any complaints from nearby residents relating to the site.
24. It is considered that use of the buildings to the rear of the site for car servicing and repair could potentially have a greater affect on residential amenity than the equivalent caravan operations. Also, given the proximity of Northampton Court to the site and approved residential developments at the former Box and Barrel Site to the south, it is considered appropriate to restrict hours of servicing and repair to 07:00 in the morning until 20:00 in the evening. It is considered that these hours would ensure a reasonable level of amenity for nearby residents, whilst also not unduly restricting the operation of the site for car servicing and repairs. It is not considered that other operations on the site such as sales and valeting are likely to have a significant adverse impact on neighbour amenity if carried out outside the above times.
25. In terms of lighting, having visited the site when the flood lights are in use, it is considered that the new light in question could certainly be more sympathetically positioned. Given that much of the lighting on this site has been in place for some time since the sites operation as a caravan sales site, it is not considered reasonable to require agreement of all lighting details via condition. However, officers have discussed the light in question with the agents and the applicants have agreed to reposition the light downwards and are investigating linking it to a lighting sensor so that it is not in operation all night.

Appearance

26. The site has historically been used for car and caravan sales as detailed in the planning history above. Whilst car sales sites are not the most visually appealing, the proposals are not considered to have a detrimental impact when compared to the previous authorised use of the site for caravan sales.

Transport and Access

27. As discussed briefly above, the existing junction between Egyptian Road and Bishop Bridge Road is considered to be unacceptable for any further increase in traffic movements, primarily due to its proximity to the Ketts Hill roundabout.

28. A transport statement has been submitted with the application which suggests that when compared to the previous use of the site, traffic movements are likely to be reduced and that slow moving car-caravan combinations emerging onto the highway have been eliminated. Furthermore, provision has been made for the turning of a car transporter within the site.
29. The County Council has requested that provision of the car parking, servicing, loading, unloading, turning and waiting areas be conditioned. As the application is retrospective, most of the areas are already in place. Having discussed the matter further with the County Council, it is the transporter turning area which they specifically wish to be provided and retained for that purpose to avoid transporters stopping on the highway. It is therefore considered appropriate to condition that this is provided within two months of the date of any consent and retained thereafter for the turning of transporters.
30. Finally, in order to ensure that optimum visibility is retained at the access to the site it is considered necessary to restrict any parking of or display of cars at the access to the site forward of the existing picket fence.

Trees and Landscaping

31. A row of mature trees which are the subject of a tree preservation order run along the northern boundary of the site with Ketts Hill. Given that the proposals do not involve any ground disturbance, it is not considered that there are any arboricultural implications.

Conclusions

32. Due to major hurdles to the implementation of housing development on the application site which are outside the applicants control it is considered that the granting of an alternative use on the allocated housing site is acceptable in this instance. In terms of transport it has been demonstrated that there is not likely to be any increase in transport movements at the site and slow moving car-caravan combinations have been eliminated, subject to conditions relating to the turning area for car transporters and maintaining the access free of obstruction, the proposals are considered to be acceptable on highways grounds. In terms of neighbour amenity, subject to a condition restricting the hours of servicing and repair the proposals are considered acceptable.

RECOMMENDATIONS

To approve Application No (09/01297/U, The Value Car Centre, Bishop Bridge Road Norwich NR1 4ES) and grant planning permission, subject to the following conditions:-

1. Development to be carried out in accordance with the submitted plans;
2. Car servicing, mot and repair not to occur outside the hours of 07:00 and 20:00;
3. Provision (laid out and demarcated) and retention of the car transporter area within two months;
4. The access and visibility splays shall be kept clear and maintained free from any obstruction forward of the existing access gate and picket fence.

(Reasons for approval: The decision has been made with particular regard to policies ENV7, T8, E2 and H1 of the adopted East of England Plan, saved policy T2 of the adopted Norfolk Structure Plan, saved policies NE3, NE9, HBE12, EP22, EMP1, HOU12, TRA5, TRA8 and

TRA18 of the adopted City of Norwich Replacement Local Plan, PPS1, PPS3, PPS4, PPG13 and other material planning considerations.

Due to major hurdles to the implementation of housing development on the application site which are outside the applicants control it is considered that the granting of an alternative use on the allocated housing site is acceptable in this instance. In terms of transport it has been demonstrated that there is not likely to be any increase in transport movements at the site and slow moving car-caravan combinations have been eliminated, subject to conditions relating to the turning area for car transporters and maintaining the access free of obstruction, the proposals are considered to be acceptable on highways grounds. In terms of neighbour amenity, subject to a condition restricting the hours of servicing and repair the proposals are considered acceptable.)