

Report for Resolution

Report to Planning Applications Committee
10 June 2010

Report of Head of Planning Services

Subject Unauthorised use of 4-6 Mason Road, Norwich and parking areas associated with 5 adjacent sites.

Item
7(2)

Purpose

This report relates to the unauthorised use of premises for church and community activities at the above address and adjacent land at Mason Road for car parking and seeks authority to pursue enforcement action in this matter.

Recommendations

To authorise enforcement action under Section 172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of:

- (1) use of 4-6 Mason Road as a church and community facility; and
- (2) use of land at Mason Road for car parking associated with the above use.

Financial Consequences

There are no financial consequences of this report

Strategic Priority and Outcome/Service Priorities

The report helps to achieve the corporate objective to provide a healthy, safe, clean and diverse environment and ensuring development meets peoples needs in a sustainable manner and the service plan priority to ensure compliance with permissions and to take enforcement action against unauthorised development as necessary whilst having regard to the Council's Enforcement Concordat

Contact Officers

Richard Divey, Environmental Protection Officer

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Background Documents

Relevant correspondence with planning agent

Relevant press release

The Site

1. This report relates to the use of industrial premises on the west side of Mason Road and to the use of ancillary parking areas on nearby industrial/commercial premises in the Mason Road area. Mason Road and the premises concerned lie within a designated employment area south of the outer ring road (Mile Cross Lane). Mason Road forms a cul-de-sac in use by the commercial units along its length. The wider area is also commercial in use although residential properties are located in the slightly wider area of Curtis Road to the west, Weston Road to the east and Baxter Court to the south.

Planning History

2. The site is designated as a general employment area (policies EMP5) in the City of Norwich Replacement Local Plan Adopted Version, November 2004. Mile Cross Lane forms part of the major road network (policy TRA18).

3. Members may recall that application 09/00249/F for a temporary church was refused permission by committee on 11th June 2009. Members encouraged the applicant to enter into discussions with officers to help deliver a permanent solution on their site Heartsease site. Following discussion, application 09/01239/F was granted for a temporary change of use from retail (Class A1) to place of worship (Class D1) including pre-school facilities; youth services; cafeteria; coffee shop/bookshop and offices at the former MFI premises on Barker Street. This was a temporary permission linked to the phased development of a permanent church building at the Heartsease site. The agent explains that despite taking up occupation for the church the Barker Street, the premises have been sold and the church asked to move out. Since the earlier refusal no scheme has come forward for the development of the Heartsease site.

4. There is no recent formal planning history on the Mason Road sites, although an informal approach to the Council was made on 26th April 2010 about 4-6 Mason Road questioning whether the premises would be suitable for the current unauthorised activities. Following consultation the enquirer was advised on 6th May against pursuing the acquisition of the premises due to policy, community access, highway and amenity issues. The Planning Service was informed of a press release on 21st May concerning the use of premises on Mason road for the church and an officer visited on 23rd May and noted the unauthorised activity along Mason Road. The agent has subsequently intimated that they will be submitting an application for temporary use of the premises and confirmed that it is the Church's intention to move their other unauthorised activities off the Heartsease site into the Mason Road premises.

Unauthorised Development

5. The following is the alleged unauthorised development:-

- 1 use of 4-6 Mason Road as a church and community facility (Class D1); and
 - 2 use of land at Mason Road for car parking associated with the above use.
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Human Rights Implications

6. 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 reinstatement of the buildings and forecourts and to cease the unauthorised use is in the interests of amenity, safety and the proper planning of the area and is proportionate to the breach in question.

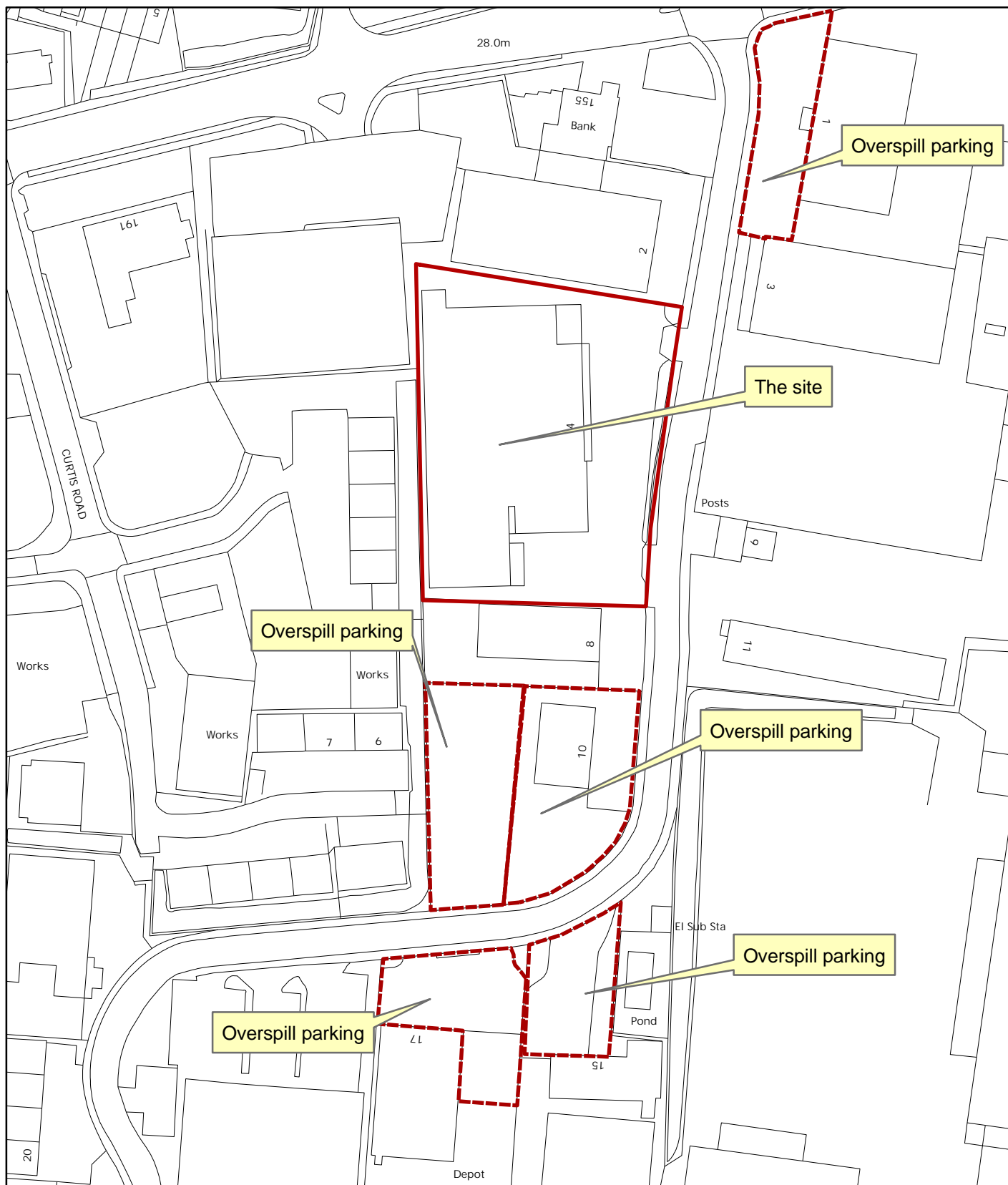
* Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing. The parties have been advised of the Officers' intention to report to this meeting in relation to the unauthorised uses.

Planning Considerations

7. The use would involve a loss of an employment use on designated employment land (policy EMP 5.2) and further to this the site is not in a highly accessible location. Policy AEC2 of the local plan requires local community facilities (including places of worship) to be within a defined centre or in a location that has a high level of accessibility on foot, by cycle or public transport. This site does not benefit from good public transport links or cycle links, and is in an employment area making pedestrian access less than ideal. Other transport related issues would also arise from the use of the building such as the management of access and high numbers of vehicles visiting the site especially at service times. The church also intends to further intensify their occupation of the site which will add to its impacts within this area.

8. The non-employment use in combination with the inaccessible location leads to the loss of employment land and an unsustainably located development. No assessment has been made by the agent or occupant of the transport requirements of the development and it is operating on an ad-hoc basis incorporating adjacent land for parking requirements. This may in itself be prejudicial to the operation of these other units and lead to further highway safety issues in the area along Mason Road and the adjoining ring road. The site is near to residential properties and the nature of the building and potential community uses of the church could lead to disturbance in the area throughout the week at various times of the day.

9. The development is considered to be contrary to Policies EMP5, AEC2, TRA5, TRA6, TRA7, TRA8, TRA11 and EP22 of the City of Norwich Replacement Local Plan Adopted Version, November 2004. Therefore, it is considered expedient to serve enforcement notices in this instance.



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Planning Application No - Enforcement
 Site Address 4 Mason Road
 Scale - 1:1,250



NORWICH
 City Council

PLANNING SERVICES

