

**Report to** Planning applications committee

**Item**

10 November 2016

**Report of** Head of planning services

**Subject** Application no 16/00819/F - Sovereign Motor Company,  
Mountergate, Norwich, NR1 1PY

**4(b)**

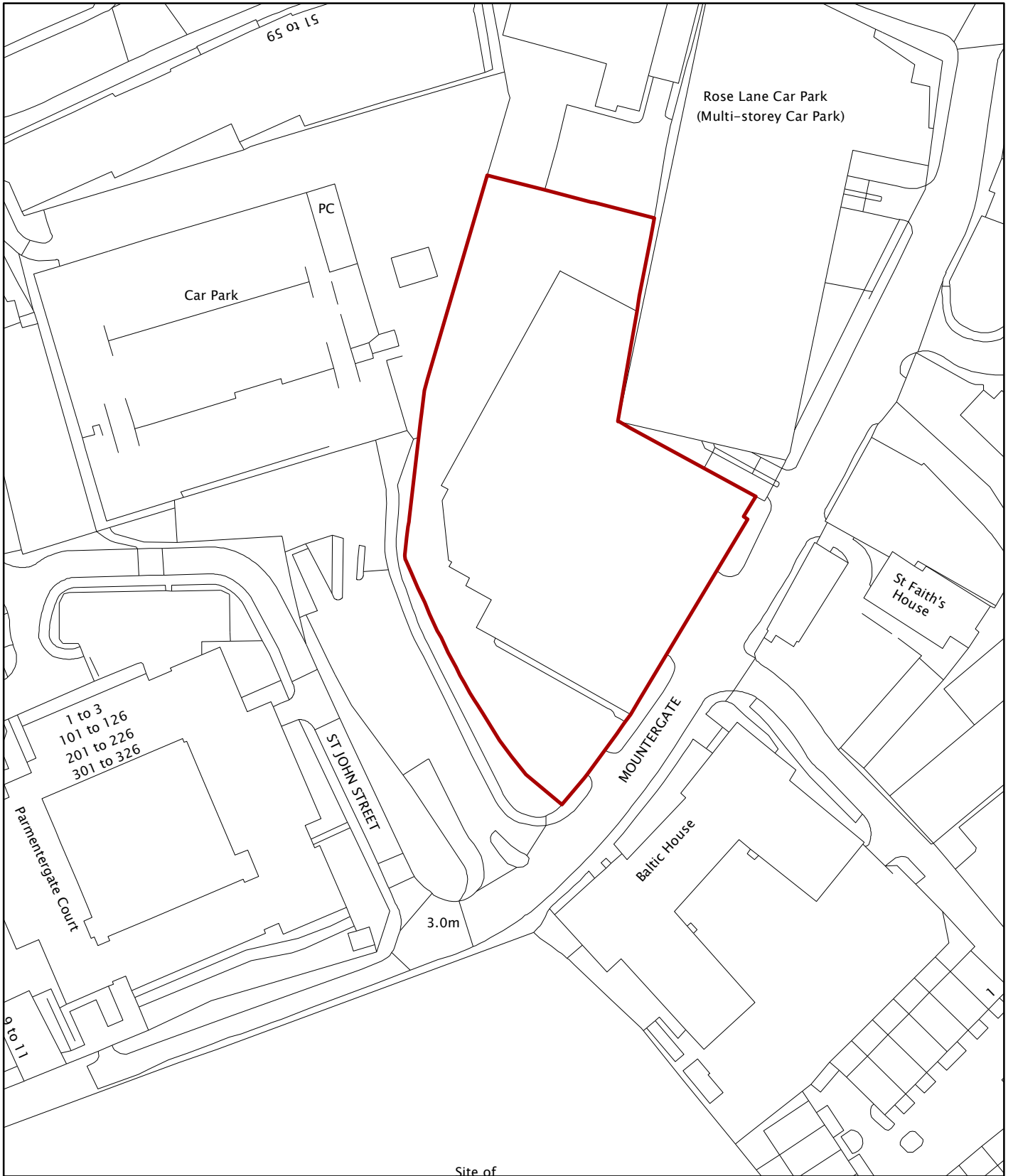
**Reason  
for referral** Objection

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<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	Becky Collins - <a href="mailto:beckycollins@norwich.gov.uk">beckycollins@norwich.gov.uk</a>

<b>Development proposal</b>		
Continued use of the site to provide short/medium stay public car park spaces for a period of one year.		
<b>Representations</b>		
Object	Comment	Support
2	0	0

<b>Main issues</b>	<b>Key considerations</b>
1	Principle of public car park in this location
2	Transport and Parking
<b>Expiry date</b>	22 July 2016 extended to 17 November 2016
<b>Recommendation</b>	Temporary Approval for 1 year



Site of

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Planning Application No 16/00819/F

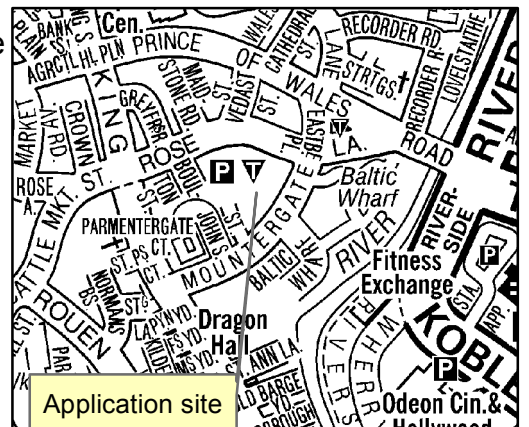
Site Address Sovereign Motor Company, Mountergate

Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. The application site is located to the west of Mountergate, opposite St Faith's House and to the south of the old fish market. To the north of the application site is the recent development of Rose Lane multi-storey car park located on the corner of Mountergate and Rose Lane.
2. The site is approximately 0.35 ha in size and the majority of the site is occupied by a large building that was previously used as a garage. The site is currently used for surface car parking, partially within and outside of the existing building. The existing building is partially clad and partially brick and does not make a positive contribution to the street scene or the Conservation Area in this location.
3. The site is located within the Norwich City Centre Conservation Area and forms part of the Local Plan CC4 land at Rose Lane/Mountergate mixed use development allocation.

## Constraints

4. The following constraints relate to the site:
  - The site is located within the Norwich City Centre Conservation Area;
  - The site is opposite Weavers House and St. Faiths House - Grade II Listed Buildings;
  - The site is within the main area of archaeological interest;
  - The site is located in Flood Zone 2;
  - The site is part of a wider Local plan allocation - CC4 Land at Rose Lane/Mountergate (mixed use development);
  - The site is also covered by a number of policy designations covering a wider area including, the office priority area, city centre leisure area, city centre regeneration area and the area for increased parking.

## Relevant planning history

5.

Ref	Proposal	Decision	Date
<u>Application site:</u>			
04/00463/U	Change of use from garage to temporary car park.	APPROVED	10/11/2004
08/01351/U	Retrospective application for temporary use of site and buildings as a car park (120 cars).	REFUSED	25/02/2009

Ref	Proposal	Decision	Date
13/00595/F	Retrospective application for the continued use of the site to provide 68 short/medium stay public car park spaces for a period of three years.	TEMP 3 Year Permission	13/06/2013
<u>Rose Lane multi-storey car park</u>			
14/01521/F	Demolition of buildings on site and erection of 595 space multi-storey car park with 320sqm floorspace for financial and professional services (Class A2)/restaurant and cafe (Class A3)/business (Class B1) uses.	APPROVED	13/06/2013
<u>Former Eastern Electricity Board Site, Duke Street:</u>			
12/01494/U APP/G2625/A/ 13/2195970	Continued use of private car park ancillary to the principal use of the site as offices to provide 93 short/medium stay public car park spaces for a period of six months.	REFUSED  Appealed and Appeal ALLOWED	20/08/2013

## The proposal

6.

### Summary information

Proposal	Key facts
<b>Transport matters</b>	
Vehicular access	<b>Accessed off Mountergate</b>
No of car parking spaces	<b>126</b>
No of cycle parking spaces	<b>None</b>

## Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of representation have been received citing the issues as summarised in the table below. All representations are available to view

in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The proposal would be detrimental to the redevelopment of Mountergate as a whole.	Main issue 1: Principle of development
The existing site is poorly maintained with potholes in the car park and the existing building roof leaks.	Main issue 2: Transport and Parking

## Consultation responses

8. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

### Highways (local)

9. This proposal would prejudice the redevelopment and regeneration of this site in accordance with the allocation and there is insufficient capacity with the current road layout for development which creates significant peak traffic movement on top of the existing car park and new developments coming on-stream. This junction is operating at saturation now, unless it closes there is insufficient capacity for further development off Mountergate.

## Assessment of planning considerations

### Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS4 Housing delivery
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS11 Norwich city centre
  - JCS20 Implementation
11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM5 Planning effectively for flood resilience
  - DM9 Safeguarding Norwich's heritage
  - DM12 Ensuring well-planned residential development
  - DM16 Supporting the needs of business
  - DM17 Supporting small business
  - DM18 Promoting and supporting centres

- DM19 Encouraging and promoting major office growth
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety

**12. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**

- CC4 Land at Rose Lane/Mountergate – mixed use development

**Other material considerations**

**13. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

**14. Norwich City Centre Conservation Area Appraisal September 2007**

**15. Norwich Area Transportation Strategy 2006 policies of particular relevance (NATS):**

- Policy 3 City centre traffic management;
- Policy 4 Discouraging through traffic from the city centre
- Policy 32 Amount of car parking in the city centre
- Policy 33 Parking for businesses
- Policy 34 Parking for visitors
- Policy 35 Long-stay parking needs
- Policy 50 Information for motorists

**Case Assessment**

16. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

**Main issue 1: Principle of public car park in this location**

17. The application site forms part of a wider Local Plan site allocation under policy CC4. Policy CC4 covers a larger triangle of land between the back of the Nelson Hotel and Baltic Wharf to the east-southeast, Prince of Wales Road and Rose Lane to the north and Tudor Hall, Parmentergate Court and St Anne's Wharf to the west-southwest. This area of land is allocated for mixed use mainly office led development integrated with (in region of) 300 residential dwellings. The allocation allows for some food/drink and retail uses. Policy CC4 also included the provision for some public car parking to make up for some of the spaces lost resulting from

redevelopment. This provision has already been met through the construction of the Rose Lane multi-storey car park which resulted in the provision of 595 spaces (application reference 14/01521/F).

18. This site was granted temporary planning permission on 13/06/2013 for three years to provide 126 car parking spaces off Mountergate. At this time the existing and operational multi-storey car park off Rose Lane to the north of the site was not in existence and was granted planning consent in 16/01/2015. Policy DM29 aims to address parking demands within the City Centre. DM29 states that 'public off-street car parking will only be permitted in the city centre parking area (in which this site lies) . . . within this defined area, the total number of off-street public car parking spaces available at any one time will not exceed 10,000'. This Policy goes on to list a number of criteria against which car parking proposals are to be assessed including requiring it to be easily accessible by car from the Inner Ring Road; accessible by foot to the retail and leisure areas; and to have tariffs which favour short to medium stay use.
19. Policy DM29 follows the line taken by Norwich Area Transportation Strategy (NATS) and seeks to fix public off-street parking in the city centre to 1995 levels by replacing and consolidating car parking to efficient high capacity, high quality and secure multi-storey car parks thereby making more efficient use of land and freeing land for future development.
20. As outlined above, the site in question lies within an area for increased car parking. The cap for car parking spaces in this area is 10,000 spaces. The current provision of car parking spaces within the area for increased parking does not exceed this cap of 10,000 spaces. Current numbers within the city centre are at 9,682, meaning that there is a capacity under the policy for 438 spaces. This figure includes the existing Rose Lane multi-storey car park and two temporary car parks including this proposal and one at Dukes Wharf. It is worth noting that much of the capacity in parking has come from the closure of the Anglia Square multi-storey car park due to structural issues. Future development of this site could result in an increase in car parking in this location.
21. Specific highways and parking matters are discussed further in the relevant section below.
22. Site Specific Policy  
The site is an allocated site under Policy CC4 of the Local Plan. The granting of consent for a car park on a permanent basis would be considered to be contrary to the allocation of the site for mixed use development and could be considered to prejudice the future redevelopment of the site, as it would introduce a long term income from the site at minimal cost, thus increasing the existing land value of the site and making any redevelopment less viable.
23. The NPPG provides guidance on the imposing of conditions limiting planning permissions to a temporary period uses and advises:

'A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, **will rarely pass the test of necessity.**

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward . . .

**It will rarely be justifiable to grant a second temporary permission –** further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently’.

24. There are two matters to consider here, firstly whether it is appropriate to grant a further temporary consent. The guidance is clear, as outlined above that it will rarely be justifiable to grant a second temporary planning permission. However, it is necessary to have clear and justifiable reasons for refusal.
25. The text outlined in paragraph 29.8 of the Norwich Local Plan allows for the temporary use of development sites for car parking providing the amount of car parking does not breach the cap, which it does not, and that the site is accessibly located for city centre shops and services. This paragraph goes on to say ‘where public parking was proposed in the short term on that basis, the use of a site for car parking should not result in unacceptable traffic impacts or delay or prejudice beneficial redevelopment. Permissions would need to be strictly time limited to ensure that permanent redevelopment was not unreasonably delayed. Proposals of this nature will thus need to be assessed on a case-by-case basis, taking account of these impacts as well as the availability and quality of existing parking provision within the area in which the temporary parking was proposed’. This leads on to considering the potential redevelopment of the site and the conflict of this proposal with the allocation as set out in Policy CC4 of the Local Plan.
26. The second matter to consider is the likelihood of redevelopment of this site. The applicants have submitted further information with regards to their approach to progressing a development in accordance with the allocation for this site. However, it is considered that a greater level of detail could have been provided with regards to the viability matters involved in progressing the site.
27. The applicants lease the site from a company which holds a long term lease of the land which has approx. 45 years left to run. This company has indicated that the current length of lease does not make it viable for them to develop the site. However, they have confirmed their interest in bringing development forward and they are investigating various options including purchasing the site; extending lease: or as a joint venture with the land owner. The applicants state that discussions are underway with regards to progressing the development of the site but see this proposal as a means of keeping the site in active use whilst these development options are investigated. Officers have met with the lease holders with regards to progressing this allocation.



28. The proposal would indeed keep this part of the site in active use for a temporary period.
29. **Office Development Priority Area**

The site is located within the office development priority area, Policy DM19 requires all development sites over 0.25 hectares to include an element of office floor space. This site is 0.35 hectares. The allocation CC4 is proposed to be a mainly office-led allocation with integrated residential of approximately 300 dwellings and other uses. Policy DM19 goes on to state that 'proposals not including an office element will only be permitted where it can be demonstrated that offices are not feasible or viable'.
30. The applicants have submitted further information with regards to the likelihood of office development coming forward on this site, stating the market for new build offices in Norwich is currently, and has been for some time, low. In the last 5 years only one major new build office development has been delivered (St Martins at Palace Plain application reference 08/00712/F as amended by 14/00987/MA). Prior to this the last one was at Barrack Street in 2009 (Kingfisher House). This is due to the development of new Grade A Office floorspace in Norwich not being viable in the current market, due to high build costs and modest rental growth. This is evidenced by information published by Bidwells in 'Our View on Norfolk / Suffolk Business Space' (Autumn, 2016) which shows that supply and demand for Grade A office floorspace has remained relatively static in the last 3-4 years. In addition, we have liaised with Savills who have advised that there has been very limited enquires for larger office spaces (in excess of 278.71sqm/ 3,000sqft) and having looked on the Council's application register, it appears no new build office applications are coming through. On this basis, it is unlikely that the allocation will come through in the immediate future.
31. Given the current market for office development and that the proposal is for a temporary consent and not a full planning permission, allowing for the prospect of a future office scheme then it is considered acceptable at this time.
32. In September 2013, the Planning Inspectorate allowed an appeal for a temporary car park on an allocated site at Duke Street. The Inspector noted that applicants comments that the site would be unviable to bring forward the allocation and considered that the temporary use of the site as a car park would not 'materially increase the prospects' of the site being developed as there was little immediate prospect of redevelopment of the site. The Inspector noted that the applicants were willing to progress the redevelopment of the site and referred to the 'casual link' between the continued use of the site as a car park and the failure of a comprehensive scheme to come forward. In the meanwhile, the Inspector stated that the car park allowed for the site to remain in active use, providing funding for the sites maintenance and management, which is likely to prevent crime etc. The Inspector allowed the appeal for a further temporary permission to avoid frustrating the aims of bringing forward the allocation.
33. Despite the proposal being at odds with the allocation of the site for mixed use development and the guidance recommending that further temporary permissions are not granted, it is considered that other material considerations outweigh this consideration and the site cannot be reasonably developed until an alternative resolution for the lease is achieved. A further temporary permission would allow

this to happen. The applicants originally asked for a temporary period of 3 years for the application to be extended, it is considered that 3 years is an excessive period to resolve the issues with the lease. The applicants in response to this have subsequently proposed a 18 month temporary permission, which they believe would not prejudice future development of this site. However, given the issues further discussed below it is considered that a period of 1 year would be reasonable to resolve the issues with the lease. Further extension of this permission is unlikely to be acceptable. On this basis the proposal is considered acceptable in principle, subject to other policy considerations as outlined below.

## **Main issue 2: Transport and Parking**

34. The NPPF supports the promotion of sustainable modes of transport to reduce congestion and carbon omissions in urban areas.
35. 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 and 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.
36. 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 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.
37. JCS policies 6 and 11 support the improvement of the bus, cycle and pedestrian network in line with the objectives of NATS. Policy DM29 introduces the cap on private car parking spaces within this area.
38. **Car parking**  
Policy DM29 seeks only to permit car parking within a defined area (in which this site sits) and where it does not exceed the 10,000 spaces cap. Policy DM29 also seeks to rationalise existing car parking into fewer, more accessible and higher quality car parks whilst maintaining the overall level of provision. This is consistent with policy 4 of the NPPF which requires Local Authorities to improve the quality of parking in town centres with appropriate charges that do not undermine the vitality of town centres.
39. Policy DM29 goes on to state that new car parking should only be permitted where it replaces or consolidates existing provision; provides efficient, high capacity parking (usually in excess of 500 spaces unless a lower capacity can be justified by the configuration, design or location of the site); improves the balance and distribution of new car parking; makes efficient use of land; operates within a tariff that encourages short to medium stay; includes Variable Message Signing (VMS); is of high quality and secure, with level surfacing, marked spaces, lit and managed; is easily accessible from the inner ring road; accessible on foot to retail and leisure areas; and makes provision for electric charging.

40. As outlined above the availability of parking spaces within the City Centre currently stands within the cap. With regards to the other criteria outlined in policy DM29, arguably the proposal is replacing existing provision. However, as outlined in the NPPG, the granting of temporary planning consent is in no way a guarantee for the granting of permanent consent. The current proposal is not considered to comply with the other requirements of DM29, as this site would fail to provide either high capacity or high quality car parking, required by this policy. However, given that the application is for a temporary period and that the car park is currently in existence and operating in its current state, on this basis, for a temporary period only, the proposal could be considered acceptable.
41. Some matters as outlined in policy DM29 could be subject to condition. Currently the tariff rates are £1.30 per hour, £5.00 all day and £1.30 night rate (18:00 to 6:00). Policies JCS 6 and DM29 promote tariffs which favour short-medium stay users in order to deter commuters and support the retail and leisure functions of the City Centre. 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.
42. The proposed tariff levels are lower than the neighbouring multi-storey car park and are not considered to favour short-medium stay users, contrary to policy DM29. On this basis it is considered that a condition should be added to require tariffs to be at least that of the neighbouring Rose Lane multi-storey car park.
43. **Security**  
The car park is overseen by RCP Parking Limited and an operative checks the car park at regular intervals. The applicants state that this system has operated with success during the sites operation, with no incidences of crime within a 12 month period.
44. **Highways**  
Local Highways has raised concerns with the capacity of local junctions if this development is permitted as well as the existing car park and new developments nearby. They state that the junction is operating at saturation now and therefore there is insufficient capacity for further development off Mountergate. The application is not accompanied by a Transport Assessment. The applicants have however submitted further information to address these concerns.
45. The applicants state that the approved Rose Lane multi-storey car park Transport Assessment justified that no traffic junction surveys was required because it would be no worse than the previous situation where there was 740 spaces at a pre-existing car park in that area. With the new multi-storey and this proposal would only provide 715 spaces, which is less than the previous situation.
46. In the vicinity of the application site is St Anne's Wharf which is being built and will provide approx. 325 car parking spaces. The application site itself and the wider area forming Site Specific Allocation CC4 is allocated to provide offices plus approximately 300 dwellings. The allocation falls within City Centre Parking Area which allows a maximum of 1 parking space per dwelling. On this basis, the allocation site could have up to 300 spaces (not included the built multi-storey car park).

47. The multi-storey application was supported by a Transport Assessment completed after the adoption of the Local Plan, which should have considered both St Anne's Wharf and the allocation. This Transport Assessment concluded that the impact of the Rose Lane multi-storey car park was acceptable on the local highways network.
48. The highways situation was considered acceptable at both the Rose Lane multi-storey car park application determination and the adoption of the local plan. At this time St Anne's Wharf had planning consent and the proposed CC4 Allocation was adopted which will result in a possible net uplift of up to 625 spaces. These parking spaces are very unlikely to come into existence and use in the next 18 months (the proposed temporary period of consent). Also, it is considered that the proposed temporary allowance for 126 car parking spaces will have less effect on the highways network than the planned upcoming development.
49. It is important to note that the Rose Lane multi-storey car park application Transport Assessment made assumptions that this car park would be closed in June 2016 and that the car park would not operate at full capacity on opening. The wider allocation once brought forward will need to consider its impact on the highway network and make appropriate highways improvements as part of this redevelopment. Also, it is important to note that the Charles Darwin Primary School has also opened through permitted development on Rose Lane/Mountergate and the highways impacts of this given its permitted development status have not been assessed.
50. This application needs to consider whether the highways impacts of this development for a temporary period of one year would be so significant to warrant refusal of temporary planning permission at this time. It is noted that the car park is currently operational and St Anne's Wharf is still under construction. However, this fails to take into consideration the Charles Darwin Primary School has been approved for one year period. After one year an application for prior approval under Class T of the General Permitted Development Order would be required for the Charles Darwin Primary School to continue and the transport and highways impacts of the development can be considered at this point.
51. The granting of temporary planning permission for a one year period, would allow the Local Planning Authority to re-consider the potential highway impacts of this development on Mountergate and Rose Lane once development has progressed at St Annes Wharf and in the context of whether a permanent permission would be granted for Charles Darwin Primary School and in light of progress with the CC4 allocation.

### **Compliance with other relevant development plan policies**

52. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

### **Other matters**

53. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation.

### **Impact on Conservation Area**

54. The site is located within the City Centre Conservation Area, much of the car parking is based within the building on site and the external parking areas are partially obscured from areas around the site by boundary fencing and the presence of several mature trees. It is considered that the continued operation of the site as a car park will not harm the character or appearance of the conservation area.
55. The proposed use is already existing and set away from neighbouring Listed Buildings so as not to unduly impact their settings. The proposal is therefore considered in accordance with Policy 12 of the NPPF and policy DM9 of the Local Plan.

### **Impact on Amenity**

56. The car park is not located close to any residential properties for any disturbances generated from activities on site to represent an issue of concern. Despite the construction of dwellings at St Anne's Wharf, it is considered that the distances to the development would preclude any amenity impacts to warrant refusal of planning permission in accordance with Policy DM2 of the Local Plan.

### **Flood Risk**

57. The site lies within Flood Zone 2, where there is a medium probability of flooding. Car parks are considered to be less vulnerable uses, as outlined in policy 11 of the NPPF. These types of uses are usually appropriate in Flood Zone 2.
58. The proposal does not include the introduction of any new areas of hardstanding, despite the majority of the existing site already being hardstanding. It is not considered that the proposals would significantly increase the likelihood of flooding elsewhere and therefore it is considered acceptable and in accordance with Policies 11 of the NPPF and DM5 of the Local Plan.

### **Equalities and diversity issues**

59. There are no significant equality or diversity issues.

### **Local finance considerations**

60. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
61. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
62. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

63. Despite the proposal being in direct conflict with policies contained within the Development Plan, the proposed temporary permission is a material consideration which would ensure the site being retained in active use and allow the applicants to continue to progress discussions to assist with bringing forward the Local Plan allocation. On this basis it is considered that other material planning considerations outweigh the Development Plan in accordance with paragraph 196 of the NPPF and the proposal is recommended for approval for a temporary period of one year.

## **Recommendation**

To approve application no. 16/00819/F - Sovereign Motor Company Mountergate Norwich NR1 1PY and grant temporary planning permission subject to the following conditions:

1. A temporary period of 1 year;
2. In accordance with plans;
3. Tariff to be not less than those levels approved at adjacent car park.

## **Article 35(2) Statement**

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent additional information the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.