

**Report to** Planning Applications Committee  
**Report of** Head of Planning & Regulatory Services  
**Subject** Application nos 23/00191/F and 23/00192/L – 20  
 Magdalen Street, Norwich, NR3 1HU  
**Reason for referral** Objections

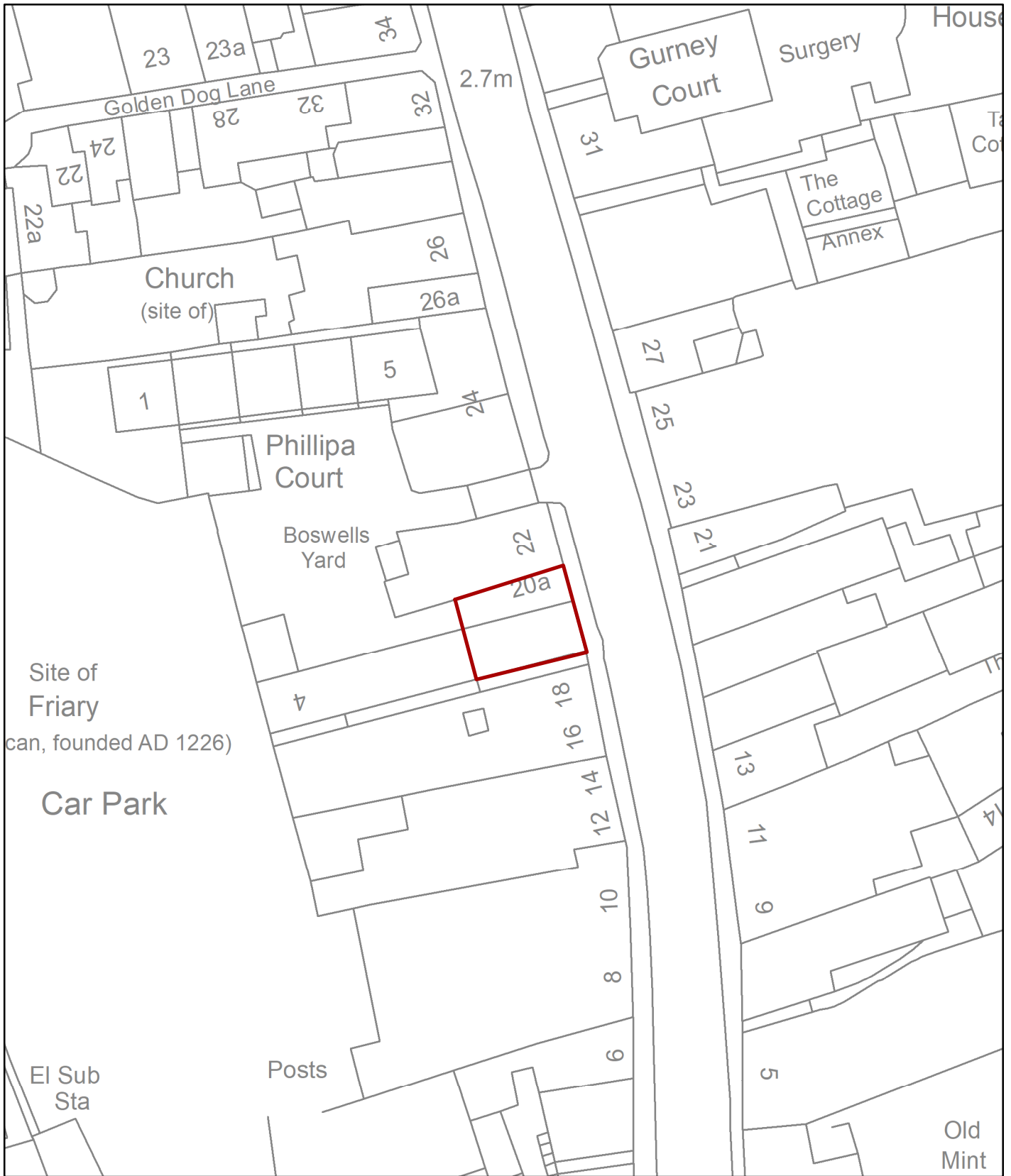
Item

4a

<b>Ward</b>	Mancroft
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>
<b>Applicant</b>	Mr M Akbar

<b>Development proposal</b>		
23/00191/F: Alterations to shopfront including new doorway and windows. 23/00192/L: Alterations to shopfront including new doorway, windows and suspended ceiling.		
<b>Representations</b>		
Object	Comment	Support
3	0	0

<b>Main issues</b>	<b>Key considerations</b>
1	Design and Heritage
<b>Expiry date</b>	20 July 2023
<b>Recommendation</b>	Approve



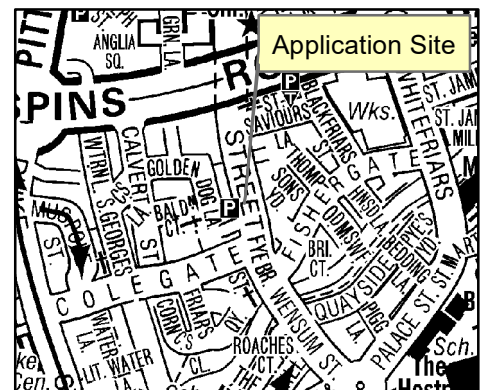
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Planning Application No 23/00191/F & 23/00192/L  
 Site Address 20 Magdalen Street

Scale 1:500



**NORWICH**  
 City Council  
 PLANNING SERVICES



## The site and surroundings

1. The site is located to the west side of Magdalen Street, to the north of the city. The application relates to an existing retail unit formed of the ground floor of 20 Magdalen Street. No. 20 is part of a larger building constructed during the C18 using red bricks. The front elevation comprises a timber and glass shopfront with two-floors of red brick walls and timber sash windows above.
2. The site is bordered by an extension to the building to the rear, comprising flats accessed via Boswells Yard to the north. The site is bordered by the adjoining retail units no. 22 to the north, and no. 18 to the south. Magdalen Street forms part of a large district retail centre and as such is characterised by ground floor retail units on either side of the road.
3. The subject building is Grade II listed. Listing Description: Grade II Listed TG 2309 SW MAGDALEN STREET (west side) 11/500 5.6.72. Nos. 18 to 22 (even) GV II Shops. Mid C18. Red brick and pantile roof. 3 storeys. 5 bays. C19 shop- fronts with simple panelled pilasters. Passage entry at extreme left. C20 sash windows throughout with glazing bars and rubbed brick flat arches. Fascia cornice.

## Constraints

4.
  - Listed Building: Grade II
  - Conservation Area: City Centre – Colegate Character Area
  - Large District Centre: Anglia Square, Magdalen Street and St Augustine's Street
  - Defined Retail Frontage: Large District Centres – Magdalen Street / Anglia Square
  - City Centre Regeneration Area: Northern City Centre Area Action Plan
  - Area of Main Archaeological Interest

## Relevant planning history

5.

Ref	Proposal	Decision	Date
4/1989/0918	Internal alterations.	APCON	20/10/1989
4/1989/0925	Conversion of store at rear into one residential unit.	APCON	23/10/1989
4/1992/0126	Condition no. 2; details of a scheme for the treatment of the party walls separating the residential unit from the adjoining users for previous permission (app. no. 4890925/F); "Conversion of store at rear into one residential unit".	APPR	21/02/1992
4/1993/0590	Installation of gate in passageway.	APCON	20/09/1993

## The proposal

6. Application ref. 23/00191/F seeks consent for the installation of a replacement shopfront. Application ref. 23/00192/L seeks listed building consent for the installation of a replacement shopfront and retrospective consent for the installation of a suspended ceiling.
7. The existing shopfront is currently in a poor state of repair. The proposal originally sought consent for more extensive replacement works to take place that would have resulted in significant parts of the historic fabric of the shopfront being removed. Following discussions with the council's conservation officer, a revised scheme has been submitted with the emphasis now being on the repair of the existing shopfront as much as possible. A suspended ceiling has already been added to the inside of the unit.

## Representations

8. Adjacent and neighbouring properties have been notified in writing and site and press notices erected. Three letters of representation have been received citing the issues as summarised in the table below.

Issues raised	Response
Heritage shopfront should be maintained, made a feature of, and not removed. Part of the 'Norwich Over the Water Project', key contributor to character of the area. Removal of shopfront would be harmful to this area.	See main issue 1
Proposed designs not in keeping with the character of the area.	See main issue 1
Signage out of sympathy with the area.	Separate advertisement consent is required for new signage to be installed.

## Consultation responses

9. 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.

## Design and conservation (see file for original and revised comments in full)

10. The shopfronts along Magdalen Street are some of the finest in the city consisting of traditional timber frames with painted facias, pilasters, corbels and recessed entrances. Whilst no. 20 shows signs of disrepair, the shopfront has aesthetic, historic and communal value and makes a positive contribution to the Colegate character area.
11. The shopfront dates from the c19 but has some c20 changes. It consists of five bays with a three-bay recessed section, a three sided projecting bay and a single bay recessed doorway. The central projecting bay is a rare survival, island display cases were particularly popular with boot and shoe dealers and given the north city's prolific shoe industry, no. 20 may have been a shoe shop originally (evidence is needed to support this). The aesthetic value of the shopfront also derives from

the projecting panelled pilasters and matching panelled underside to the recesses, a rare survival on Magdalen Street. The completeness of the historic shopfront is also evidenced from the sill, stallriser, clerestory, awning and painted fascia in the style of a traditional shopfront. Two carved timber consoles frame the whole composition, complimenting the use of consoles at neighbouring no. 18 and no. 22.

12. The character of Magdalen Street is defined by buildings dating from c17, c18 and c19. A continuous line of 2-3 story buildings with yard openings, red brick, pantile roofs, traditional shopfronts and decorative doorcases help define the area. The shopfront is identified as contributing 'positive frontage' to the Colegate Character Area. Both the east and west side of Magdalen Street are deemed positive frontage and the area is rated as having a very high concentration of historic buildings with historic details and a high townscape quality. The shopfront is grade II listed with no. 18-22, together they form three traditional shopfronts and have high group value. Changes to no. 20 will also affect the significance of its immediate neighbours as well as the quality of the conservation area. Whilst the proposal concerns the shopfront only, the shopfront is set into an c18 brick building, the fabric of which has high historic sensitivity.
13. The shop was originally one unit, the owner is unknown, but it was subdivided into two units in the c20. In the c20, Allen's fruiterers occupied the left three bays whilst Jas Smith's cleaning and dyeing occupied the two bays to the right. The shopfront formed part of The Civic Trust and Norwich City Council's initiative to improve the character and appearance of shopfronts and buildings on Magdalen Street as part of one of the town improvement schemes which began in 1959.
14. Consent is sought for the following alterations: Alterations to shopfront including new doorway, windows, and signage as well as the insulation of a reversible suspended ceiling.
15. The new design of the shopfront offers a restoration of the existing shopfront with some replacement fabric and new signage. The centralising of the door differs from the appearance of the existing shopfront but will improve the symmetry and accessibility of the design. The proportions, features and colour scheme will improve the character and appearance of the listed building and the collective significance of historic shopfronts along Magdalen Street. The proposal will also ensure the shop has a continued commercial use at ground floor level which is deemed to be its optimum viable use.
16. Whilst it is regrettable that the ceiling panelling in No. 20 (left hand bay of the shop) will be covered by a modern suspended ceiling, the suspended ceiling could be easily removed to reveal the panelling. The suspended ceiling will allow the property a degree of fireproofing and may help protect the panelling underneath it.
17. Conclusion:- Principle for a replacement shopfront:

In its revised form, the listed building consent application would be supported by the Conservation and Design team as eliciting less than substantial harm to the listed building (lower level) which is significantly outweighed by the positive contribution the restored shopfront will have on principle elevation of listed buildings and more widely, the Colegate Character Area of the City Centre Conservation Area.

#### Notes:

- If scaffolding is required, a freestanding type should be used which does not tie into the fabric of the listed building.
- The new paint should be a clay/mineral based breathable paint.

#### Conditions:

- TL2A time limit listed
- AC2A details listed
- HA6A External finished restriction
- HA7A making good within 6 months

#### Informatives:

- IN4A listed building consent
- IN23A original historic fabric retention
- IN26A conservation areas and trees
- IN8A asbestos

### **Assessment of planning considerations**

#### **Relevant development plan policies**

18. **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
  - JCS2 Promoting good design
19. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards
  - DM18 Promoting and supporting centres

#### **Other material considerations**

20. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
  - NPPF12 Achieving well-designed places
  - NPPF16 Conserving and enhancing the historic environment

#### **Case Assessment**

21. 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 Policy Framework (NPPF), the Council's 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: Design & Heritage**

22. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 126-136 & 189-208
23. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
24. The originally submitted plans involved more substantial works to the existing shopfront, tantamount to its wholesale replacement. The harm caused to the historic fabric and the significance of the shopfront within the setting of the street scene and conservation area was significant, and therefore the proposals were not acceptable. The applicant has subsequently worked closely with the council's conservation officer to develop a revised scheme.
25. The revised design retains the existing shopfront design. The arrangement of windows and the main entrance door, as well as the fascia are to all be retained. Some plywood sections, where they have degraded beyond reasonable repair will be replaced in a like for like fashion. The existing awning, located above the fascia is also to be replaced with new fabric. The timber is to be painted with grey coloured paint.
26. The revised proposed works to the shopfront will therefore ensure that the existing historic shopfront is retained in its original form, with the works instead now focusing making good through repairs, with replacements only being carried out if necessary, in a like for like fashion. The overall impact of the works will therefore result in a positive impact on the historic character and of the street scene of Magdalen Street.
27. A suspended ceiling has been added to the ceiling of no. 20, covering original ceiling panelling. It is understood that the suspended ceiling has been added in support of fireproofing. It is regrettable that the suspended ceiling has been added prior to the granting of listed building consent. The council's conservation officer has however assessed the works and determined that the suspended ceiling can be easily removed, and that the original panelling should be protected. As such, the suspended ceiling is acceptable as installed.
28. The proposed development relates to a retail unit located within a large district retail centre that has been vacant for several years. The proposed works would facilitate

the re-use of the vacant unit as a retail unit selling food items. The proposal would therefore support the vitality and viability of the large district retail centre.

29. The revised design has been produced by the applicant following detailed discussions with the council's conservation officer. They have concluded that the revised plans now result in less than substantial harm to the listed building (lower level) which is significantly outweighed by the positive contribution the restored shopfront will have on principle elevation of listed buildings and more widely, the Colegate Character Area of the City Centre Conservation Area.

### **Other matters**

#### **30. Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)**

Site Affected: (a) Broads SAC/Broadland Ramsar

(b) River Wensum SAC

Potential effect: (a) Increased nitrogen and phosphorus loading

(b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the council as a competent authority must undertake an appropriate assessment to determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16 March 2022.

Broads SAC/Broadland Ramsar.

Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND

Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The answer to this question is based on the NE advice that development not including overnight accommodation generally does not need to be included in an assessment.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

River Wensum SAC



Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND

Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The answer to this question is based on the NE advice that development not including overnight accommodation generally does not need to be included in an assessment. In addition, the discharge for WwTW is downstream of the SAC.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

### **Equalities and diversity issues**

31. There are no equality or diversity issues.

### **Local finance considerations**

32. 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. 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. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

33. The proposed works to the existing shopfront will facilitate the future use of the retail unit, whilst preserving the historic significance of the building within the context of the street scene and surrounding conservation area. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### **Recommendation**

(1) To approve application 23/00191/F at 20 Magdalen Street, Norwich NR3 1HU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.

### **Informatives:**

1. Advert consent required

(2) To approve application 23/00192/L at 20 Magdalen Street, Norwich NR3 1HU and grant listed building consent subject to the following conditions:

1. Time limit listed;
2. In accordance with plans;
3. External finished restriction;
4. Making good within 6 months.

**Reason for approval:**

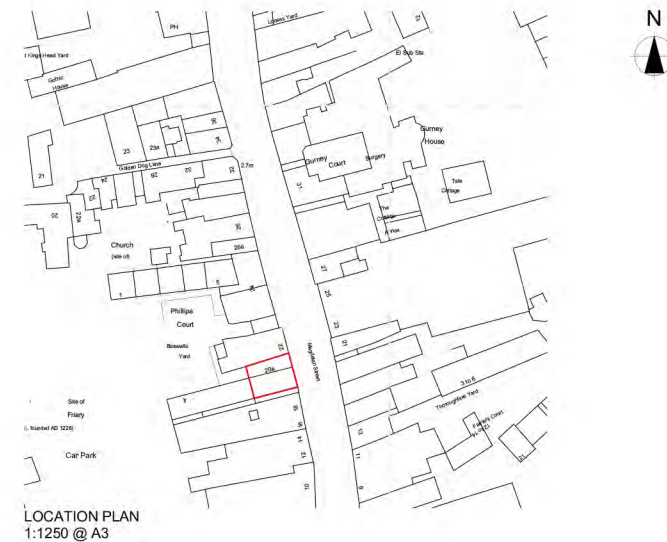
The proposal will result in less than substantial harm to the listed building (lower level) which is significantly outweighed by the positive contribution the restored shopfront will have on principle elevation of listed buildings and more widely, the Colegate Character Area of the City Centre Conservation Area. The proposal is therefore considered to be in accordance with the objectives of NPPF, Policy 2 of the Adopted Joint Core Strategy (March 2011) and policies DM1, DM3 and DM9 of the Norwich Development Management Policies Local Plan (December 2014).

**Informatives:**

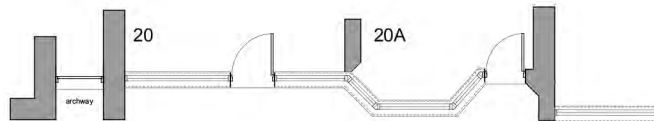
2. Listed building consent;
3. Original historic fabric retention;
4. Conservation areas and trees;
5. Asbestos;
6. Scaffolding;
7. New paint to be clay/mineral based breathable paint.



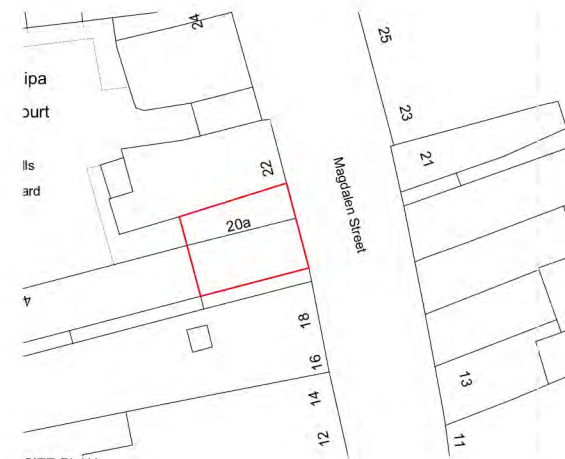
EXISTING SHOP FRONT  
1:100 @ A3



LOCATION PLAN  
1:1250 @ A3



PARTIAL EXISTING FLOOR PLAN  
1:100 @ A3



SITE PLAN  
1:500 @ A3



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Job Title  
Alterations to Shopfront

Address  
20/20A Magdalen Street, Norwich, NR5 8AB

Client

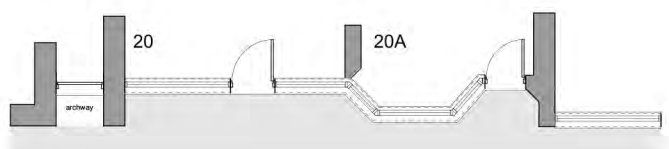
Mr M. Akbar  
Drwg. Title  
As indicated

Job No.  
23.5099.001  
Drwg. No.  
EX01

Drawn by  
HR  
Rev  
00

Checked by  
JAR  
Date  
15/02/2023





PROPOSED SHOP FRONT ENTRANCE  
1:100 @ A3



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Address  
20/20A Magdalen Street, Norwich, NR5 8AB

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As indicated

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Drawn by  
JAR

Checked by

Drwg. No.  
PL01.2

Rev  
A

Date  
19/05/2023

