

Report for Resolution

Report to Planning Applications Committee
10 June 2010

Report of Head of Planning Services

Subject Enforcement Action: 21 Colegate, Norwich, NR3 1BN

Item
7(1)

Purpose

This report relates to the unauthorised construction of a fire escape staircase at the rear of the above address and seeks authority to pursue enforcement action in this matter.

Recommendations

Authorise enforcement action to secure removal of the fire escape staircase and the taking of legal proceedings, including prosecution if necessary

Financial Consequences

There are no financial consequences of this report.

Corporate Objective/Service Plan Priority

The report helps to achieve the corporate objective to protect and enhance the special qualities of the built environment 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

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Background Documents

City of Norwich Replacement Local Plan Adopted Version, November 2004
Relevant correspondence – Enforcement File – 09/00187/UBO/ENF
Planning Application – 10/00460/F

The Site

1. The site is located to the north of Colegate, adjacent to the Octagon Chapel. The building is located within the city centre conservation area. The rear courtyard to which this report relates is bounded by 21 Colegate a locally listed building to the south, Octagon Chapel a Grade II* listed building to the west and to the east Old Hall and no. 2 Old Meeting House Yard, Grade II listed buildings.

Planning History

2. In December 2009, the Planning Enforcement Officer investigated an enquiry concerning the construction of the fire escape staircase at the rear of the property. The new staircase replaced an existing but much smaller fire escape.
3. In March 2010 a retrospective application for the retention of the staircase was submitted after some informal advice from the planning officer.
4. Application 10/00460/F was refused on 29 April 2010 using delegated powers.

Unauthorised Development

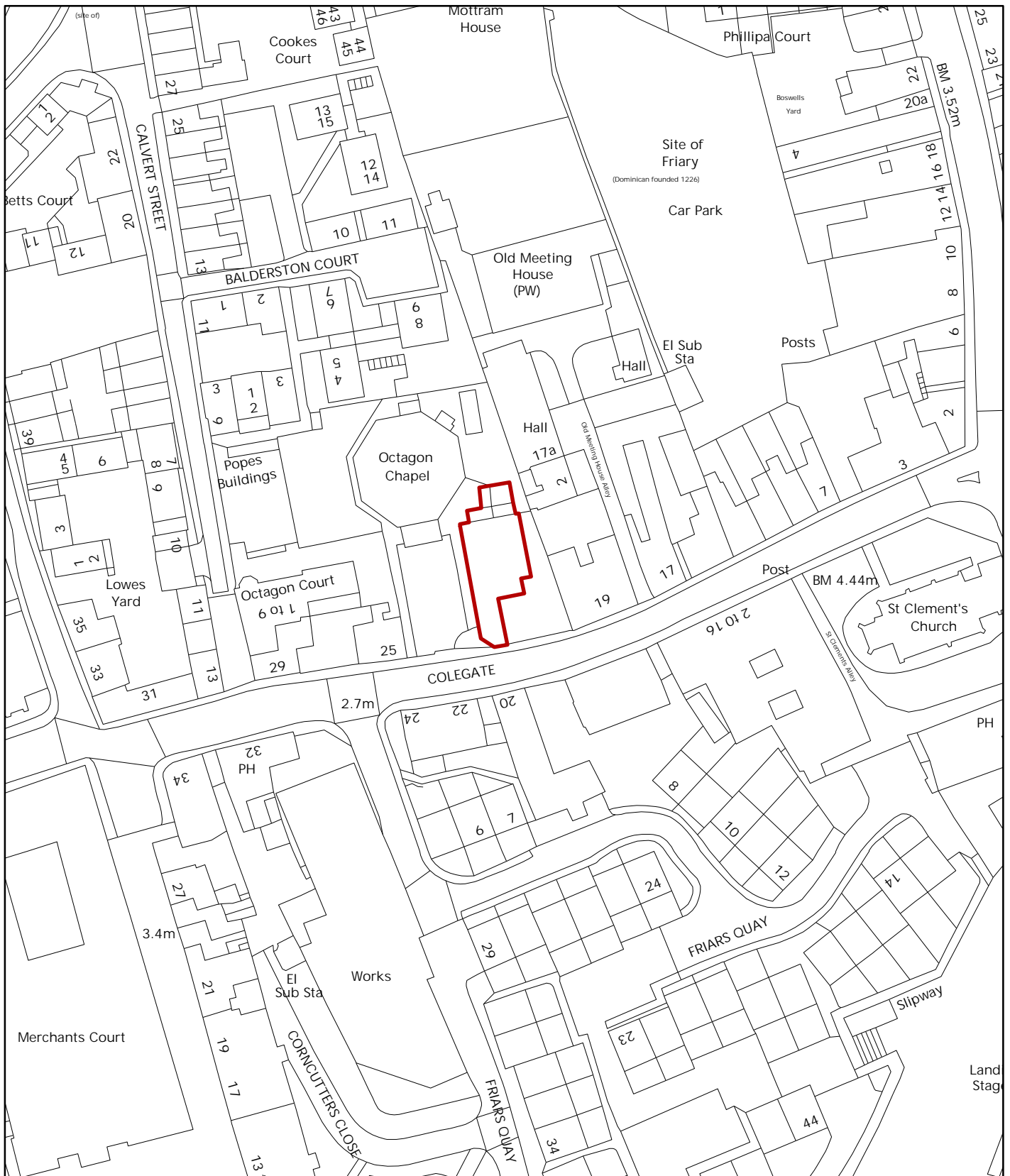
5. The installation of a fire escape staircase at the property without the benefit of planning permission.

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 ones 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 removal of the unauthorised structure in the interests of amenity 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.

Planning Considerations

7. It is considered that the fire escape stair by virtue of its proximity to the adjacent dwelling, its location and height would have an overbearing impact on the outlook of 2 Old Meeting House Yard and the staircase would be over-dominant in the context of the small external amenity area of 2 Old Meeting House Yard thus adversely affecting the amenity of the adjacent residential property, contrary to saved policy EP22 of the City of Norwich Replacement Local Plan.



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Planning Application No 09/00187/UBO/ENF
 Site Address Martineau Memorial Hall, 21 Colgate
 Scale 1:1,000



NORWICH
 City Council

PLANNING SERVICES

