

Report for Resolution

Report to Planning Applications Committee
Date 31 May 2012
Report of Head of Planning Services
Subject Enforcement Case 11/00046/BPC/ENF - 43 Magdalen Street

Item
6(3)

SUMMARY

Description:	Unauthorised installation of replacement shopfront
Reason for consideration at Committee:	Enforcement Action Recommended
Recommendation:	Authorise enforcement action to secure the removal of the shopfront and a replacement with an appropriate alternative shopfront
Ward:	Mancroft
Contact Officer:	Ali Pridmore Enforcement Officer

INTRODUCTION

The Site

1. The premises comprise a two-storey grocer's shop, "Asian Bazaar", located on the east side of Magdalen Street in the northern part of the City centre, just to the south of St Saviours Lane and St Saviours Church. The property dates from the 19th century and is built in brick and painted cream and formerly had a modern timber framed and glazed shopfront and recessed entrance doorway. The upper floors bridge over a wide yard entrance (Looses Yard) giving access to the rear of this shop and the neighbouring Indian restaurant (Spice Paradise) at number 41. The shopfront had a side window facing onto the yard entrance.
2. Magdalen Street is a historic shopping street, the section to the south of the Inner Ring Road being characterised by a varied frontage of historic buildings accommodating local independent shops, restaurants and pubs. There is a cluster of Indian restaurants on this east side of the street alongside speciality Asian grocers and various other retail businesses.
3. Magdalen Street falls within the area of the adopted Northern City Centre Area Action Plan which prioritises this part of the city centre for regeneration and beneficial new development whilst aiming to respect, preserve and enhance its considerable conservation and heritage interest.
4. The premises are within the City Centre Conservation Area and fall within the Colgate character area of the Conservation Area Appraisal. As such this building together with others on the eastern side of Magdalen Street is identified as offering a positive frontage to the street. Number 43 Magdalen Street is also identified as a

building of local interest in the Conservation Area.

Planning History

5. Application No. 4/1998/0705/F - Change of use of the rear half of the ground floor to restaurant use (Class A3) to be used in association with the existing restaurant at 45 Magdalen Street and retention of the front half of the ground floor in retail use (Class A1). Approved 7th January 1999.
6. Application No. 4/1999/0900/F – Conversion of part of first floor to one flat. Approved 19 June 2000.
7. Application No. 10/0886/F - Replacement of shopfront including installation of security shutters. Refused 2nd July 2010.
8. Application No. 10/01488/F - Replacement of shopfront. Approved 1st October 2010.

Purpose

9. This report relates to the unauthorised replacement of the shopfront at 43 Magdalen Street with one of poor design and visual appearance. The current shopfront has been constructed of UPVC and is of poor design and installation.
10. Authority is sought from the Planning Applications Committee for enforcement action to secure the removal of the unauthorised shopfront and either the installation of a similar shopfront to that removed or the implementation of the above extant planning permission.

Breach

11. The replacement of the shopfront with a UPVC shopfront has occurred after planning permission (App. No. 10/01488/F) was granted for a replacement timber framed shopfront. The shopfront was not constructed in accordance with approved plans and therefore does not have planning permission.

Policies and Planning Assessment

Relevant Planning Policies

National Planning Policy Framework

East of England Plan (Adopted May 2008)

ENV6 – The Historic Environment

ENV7 – Quality in the built Environment

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)

Policy 2 – Promoting good design

Northern City Centre Action Area Plan (Adopted March 2010)

TU1 – Design for the historic environment

Replacement Local Plan – saved policies (Adopted November 2004)

HBE8, HBE12, HBE19

Justification for Enforcement

12. The rebuilt UPVC shopfront is visually harmful to this locally listed building which also results in a significant harm to the character and appearance of this part of the City Centre Conservation Area.
13. Numerous attempts to negotiate with the business owner in implementing the extant planning permission (10/01488/F) have been unsuccessful. Figures 1 and 2 show the shopfront on the 25th July 2006 and the 17th November 2011 respectively, no attempt has been made to implement the existing planning permission.

Equality and Diversity Issues

14. 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 building works 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.

Conclusions

15. The poor design and visual appearance of the rebuilt UPVC shopfront is harmful to this locally listed building and also results in significant harm to the character and appearance of this part of the City Centre Conservation Area.
16. It is therefore necessary to ask for authorisation from the Planning Applications Committee for enforcement action to ensure the original planning permission 10/01488/F is implemented. This will ensure compliance with the provisions of the National Planning Policy Framework, policies ENV6 and 7 of the East of England Plan (adopted May 2008), policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted saved policies HBE8 and HBE12 of the City of Norwich Replacement Local Plan (adopted November 2004) and policy TU1 of the Northern City Centre Area Action Plan (adopted March 2010).

Recommendations

17. Authorise enforcement action to secure the removal of the unauthorised shopfront and either the installation of a similar shopfront to that removed or the implementation of the approved shopfront (App. No.10/01488/F) and undertake

legal proceedings, including prosecution if necessary.

Background Documents

National Planning Policy Framework

East of England Plan (Adopted 2008)

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)

City of Norwich Replacement Local Plan (Adopted Version, November 2004)

Northern City Centre Action Area Plan (Adopted March 2010)

City Centre Conservation Area Appraisal (Sept. 2007)

A Local List for Norwich (1993/4)

Relevant correspondence – Enforcement File – 11/00046/BPC/ENF

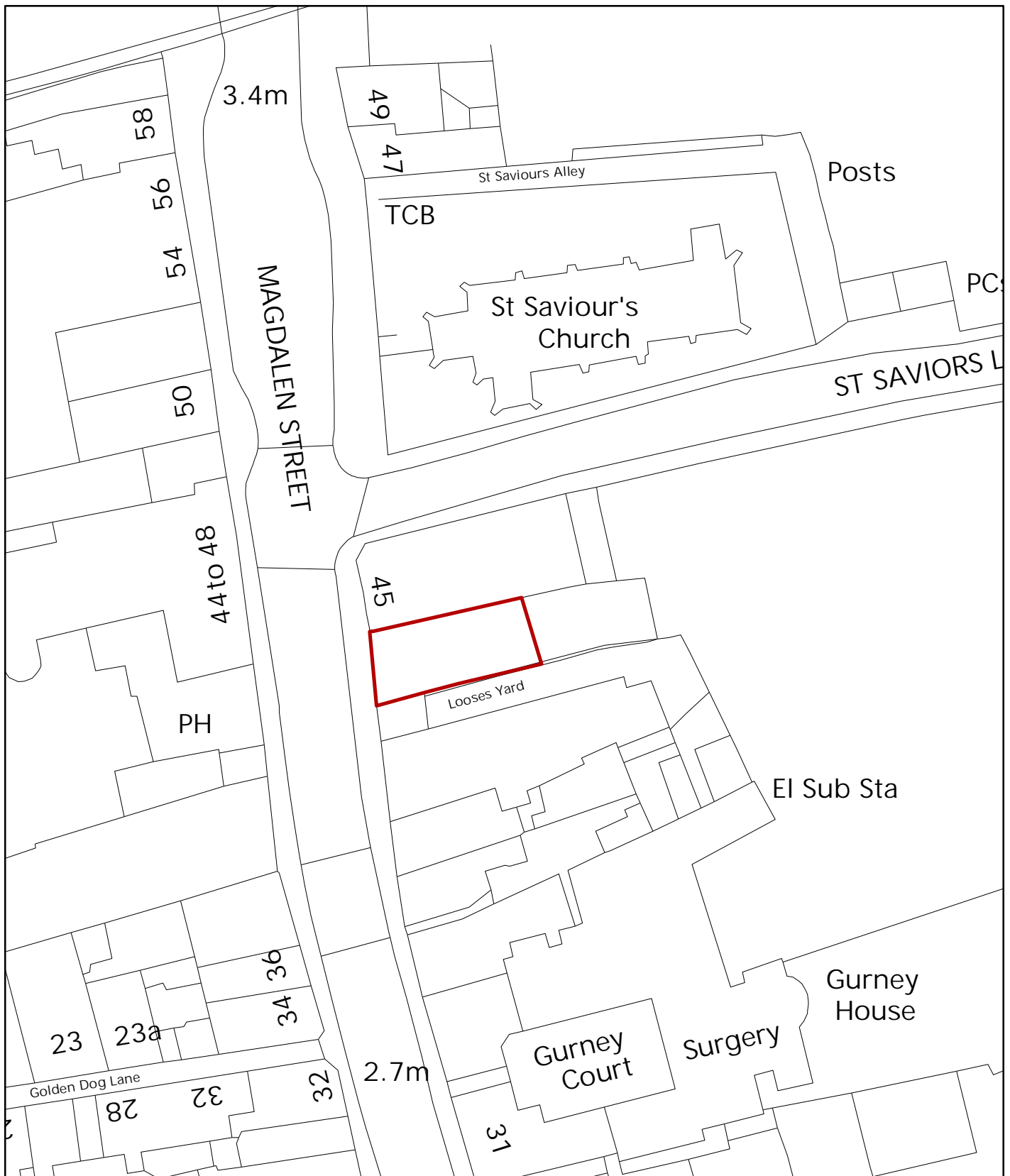
PICTURE

Figure 1: Shopfront of 43 Magdalen Street on the 25th July 2006



Figure 2: Shopfront of 43 Magdalen Street on the 17th November 2011





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Planning Application No 10/01488/F
 Site Address 43A Magdalen Street
 Scale 1:500



NORWICH
 City Council

PLANNING SERVICES

