

**COMMITTEE:** DEVELOPMENT CONTROL

**DATE:** 27TH APRIL 2005

**SUBJECT** 67 LEICESTER ROAD. UNAUTHORISED WOODEN  
FRAMED SHOP CANOPY.

**REPORT BY:** DEVELOPMENT CONTROL MANAGER

**CONTACT OFFICER:** IAIN BLACKLEY 546305

**IMPLICATIONS:**

<b>LEGAL</b>	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>	<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	<b>CONSULTATIONS</b>
<b>STAFFING</b>	<b>OTHER</b>

**WARDS AFFECTED:** CHALLNEY

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### **PURPOSE**

1. To seek authority for an enforcement notice to be served, in order to bring about the removal of an unauthorised structure.

### **RECOMMENDATION(S)**

2. Development Control Committee is recommended to authorise the service of Enforcement Notice(s) in order to secure the removal of the unauthorised wooden framed canopy, and the securing brackets affixed to the surface of the forecourt. The recommended period for compliance is 28 days after the Notice takes effect.

### **BACKGROUND**

3. The property in question is a retail shop. It is located at the junction of Leicester Road and Carisbrooke Road; it is in a designated housing policy area identified in the Borough of Luton Local Plan. The shop has its own private forecourt upon which goods are regularly displayed for sale. A large wooden framed and tarpaulin canopy has been erected over the private forecourt.

## **REPORT**

4. Complaint was received in October 2004 alleging the unauthorised erection of wooden framed canopy covering the private forecourt. Investigations confirmed that a canopy had been erected on the private forecourt of the premises. Photographs of the structures in question may be seen on the enforcement file and will be displayed at the meeting.

5. Council records indicate that there has been no application for planning permission in respect of the structure. Letters were sent to the owner requesting that it be removed, or that a planning application be made for its retention. An application was received on 23rd December 2004, though on 28th February 2005 it was removed from the work list, as it was invalid.

6. It is considered expedient to take enforcement action on the grounds that the canopy forward of the existing buildings in the street would be detrimental to the visual amenities of the street scene and would set an undesirable precedent for further similar proposals in the area. The proposal would thereby be contrary to Policies BP1, S4, H1, E1 and E8 of the Borough of Luton Local Plan.

7. It should also be noted that a recent Appeal against the Council's decision to refuse permission for retention of a similar canopy on another shop in Selbourne Road was dismissed.

## **LIST OF BACKGROUND PAPERS**

### **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

8. Planning File Reference 05/00041/FUL and other papers which disclose exempt information within the meaning of Section 100A and Schedule 12A to the Local Government Act 1972.