

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director for Place
To
Development Control Committee
On
5th August 2015

Report(s) Enforcement of Planning Control

A Part 1 Public Agenda Item – Town and Country Planning Act 1990 Section 172

Reports prepared by: Enforcement Officers

1 Introduction

- 1.1. This report relates to alleged breaches of planning control. Recommendations are made at the conclusion of each item.

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Enforcement Report			
Victoria	15/00134/UNAU_B	17 West Street Southend-On-Sea	2

Reference:	EN/15/00134/UNAU_B
Ward:	Victoria
Breach of Control	Without planning permission installed PVC framed windows to front elevation at first floor level
Address:	17A West Street Southend on Sea Essex SS2 6HH
Case Opened:	22 May 2015
Case Officer:	Philip Kelly
Recommendation:	AUTHORISE ENFORCEMENT ACTION



1 Site and Surroundings

- 1.1 The site is in the Prittlewell Conservation Area. It is a residential flat on the first floor in a terrace in which the ground floor units are used as shops and restaurants. It is on the south side of West Street 60 metres west of the junction with Victoria Avenue.

2 Lawful Planning Use

- 2.1 The lawful use of the site is a self-contained residential flat.

3 Present Position

- 3.1 On 20 May 2015 a local business owner reported that PVC windows had been newly installed at 17A West Street. A visit by a Council officer confirmed this. The freehold owner was written to on 2 June 2015 advising that the original windows should be restored. This request was repeated on 16 June 2015 to agents for the freeholder. However no-one has undertaken to restore the windows and they remain as seen in May 2015.

4 Appraisal

- 4.1 The NPPF recognises the importance of heritage assets and that the starting point for new development should be their conservation and preservation. Policies KP2 and CP4 of the Core Strategy require development to safeguard and enhance the historic environment including Conservation Areas. This is supported by policy DM1 of the emerging Development Management DPD and Borough Local Plan Policy C4 which require development in Conservation Areas to use materials in alterations that are appropriate to the area and sympathetic to existing and neighbouring buildings. The Design and Townscape Guide states that traditional design and materials such as timber sliding sash windows are critical in preserving the character of Conservation Areas. The new windows at this site, being PVC and of an inferior design, are contrary to these policies and guidance and are therefore considered detrimental to the historic and visual amenity of the Prittlewell Conservation Area.
- 4.2 Taking enforcement action in this case may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to remove the unauthorised windows.

5 Planning History

- 5.1 No planning history.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (NPPF)
Core Strategy (DPD1) policies KP2 and CP4
Policy DM1 of the emerging Development Management DPD2
Policy C4 of the Borough Local Plan
Design and Townscape Guide (SPD1)

7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** for the removal of the unauthorised windows at first floor level in the front elevation. This is because of the detriment to the historic and visual character and amenities of the Conservation Area, contrary to the NPPF, policy DM1 of the emerging Development Management DPD, policy C4 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy, and advice contained within the Design and Townscape Guide (SPD1).
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a three months compliance period is reasonable in these circumstances.