

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of Place
To
Development Control Committee
On
13th January 2016

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.

WARD	APP/REF NO.	ADDRESS	PAGE
------	-------------	---------	------

Enforcement Report			
Milton	EN/15/00100/UNAU_B	31 Westcliff Parade Westcliff on Sea	2

Reference:	EN/15/00100/UNAU_B
Ward:	Milton
Breach of Control	Without planning permission installed a raised walkway and railings to the front of existing building.
Address:	31 Westcliff Parade Westcliff on Sea Essex
Case Opened:	20 April 2015
Case Officer:	Philip Kelly
Recommendation:	AUTHORISE ENFORCEMENT ACTION



1 Site and Surroundings

- 1.1 The unauthorised development is within the grounds of a house converted to flats in the Shorefields Conservation Area. It is on the north side of Westcliff Parade 10 metres east of the junction with Westcliff Avenue.

2 Lawful Planning Use

- 2.1 The lawful use of the site is as residential flats.

3 Present Position

- 3.1 On 20 April 2015 the Council received information about the creation of a raised walkway and railings to the front of 31 Westminster Parade. A site visit showed that this development had been completed recently. Attempts have been made to persuade the freehold owner of the land to submit an application for an alternative means of wheelchair access which would be relocated and/or less obtrusive. To date no planning application for an alternative means of access has been submitted, and the development remains unaltered.

4 Appraisal

- 4.1 The site is located within the Shorefield Conservation Area.
- 4.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Councils Development Management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.3 In the NPPF it is stated that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* In the Council’s Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 4.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in national guidance in the NPPF. Policy DM5 states that *“Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted.”*

4.5 The site is located in the Shorefield Conservation Area and therefore special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.

4.6 It is noted through historical Google ‘streetview’ records and from information received at the time of the complaint, a small concrete ramp had previously been installed at the site. This was unobtrusive in visual terms and provided a more level access to the ground floor flat. The ramp has now been realigned and extended with a metal grid and associated railings. It is considered that this metallic structure which zigzags across the lawn between bushes and trees has a very poor visual relationship with the existing tiled path and the masonry of the building and the general setting of the front garden. Given its visual dominance within the conservation area It clearly does not preserve or enhance the character of the Conservation Area, this part of which has significant pedestrian footfall.

4.7 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 walkway and railings.

5 Planning History

5.1 No planning history.

6 Planning Policy Summary

6.1 NPPF
CSP Policies KP2 and CP4
Development Management DPD Policy DM1 and DM5
Design and Townscape Guide

7 Recommendation

7.1 **MEMBERS ARE RECOMMENDED TO AUTHORISE ENFORCEMENT ACTION** to the remove the unauthorised walkway and railings. This is because of its unsympathetic materials and design, causing a detrimental visual impact to the streetscene within the Shorefield Conservation Area, contrary to Policies DM1 and DM5 of the Development Management DPD, 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.