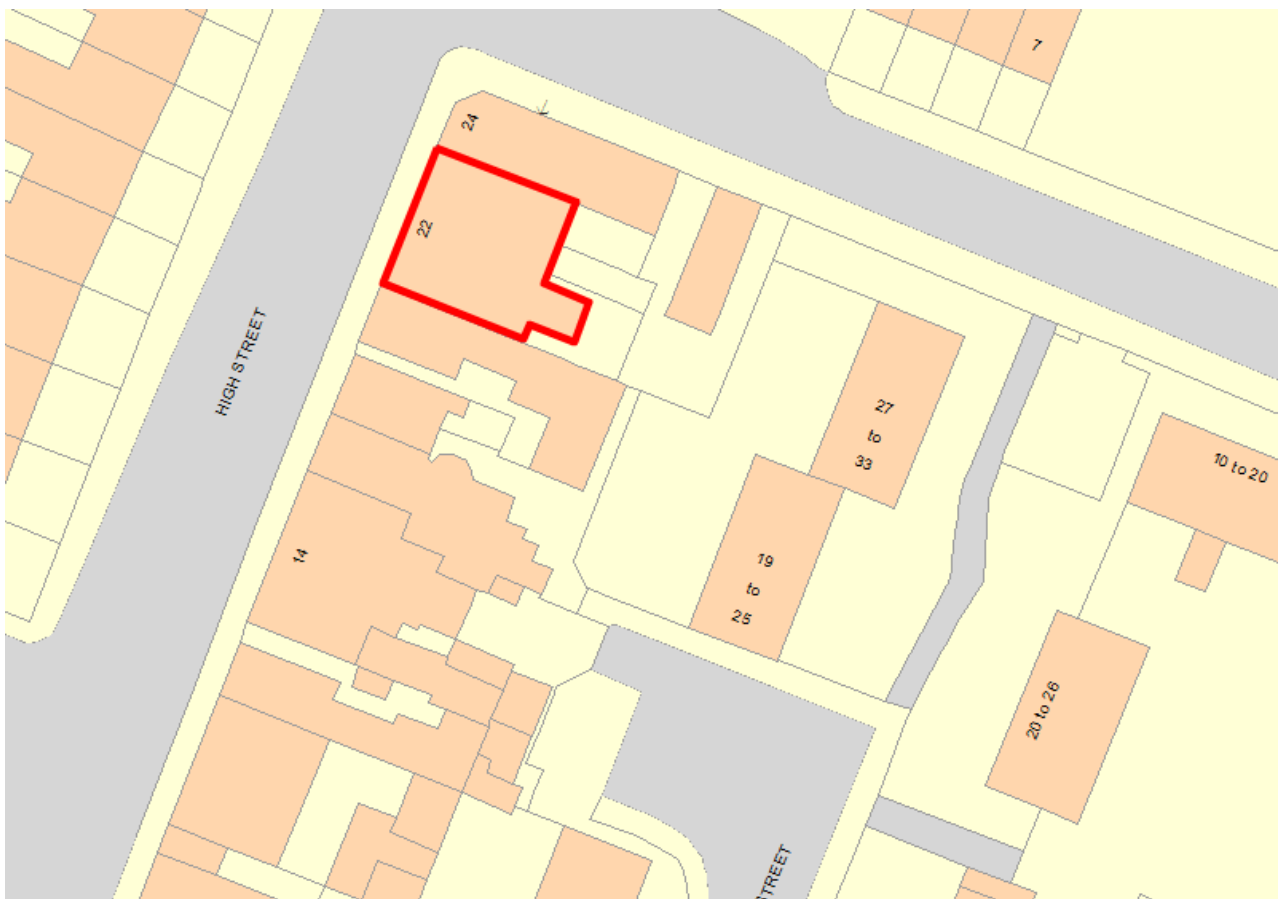


Reference:	EN/15/00272/UNAU
Ward:	Shoeburyness
Breach of Control	Without planning permission installed a new shopfront and changed the use of a former dance studio to form a retail unit.
Address:	22 High Street Shoeburyness
Case Opened:	24 November 2015
Case Officer:	Philip Kelly
Recommendation:	Authorise enforcement action



1 Site and Surroundings

- 1.1 22 High Street Shoeburyness is in a terrace of retail units on the east side of High Street Shoeburyness, 20 metres south of the junction with George Street. It is within the Garrison Conservation Area.

2 Lawful Planning Use

- 2.1 The lawful use is as a dance studio.

3 Present Position

- 3.1 On 24 November 2015 a local resident advised that the frontage at 22 High Street had been altered. On 22 December 2015 a Council officer visited the address and noted that it was being used as a retail unit, and that the shopfront had been altered. The owners were requested to make a planning application for permission for the change of use and to retain the new shopfront, although they were also warned that permission might not be given.
- 3.2 A planning application was eventually received on 6 April 2016, reference 16/00500/FUL. The Decision on 10 June 2016 was a refusal of permission.

4 Appraisal

- 4.1 The officer's report on 16/00500/FUL considered that the change of use should not be objected to. The unit is in an existing parade of shops.
- 4.2 The NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM5 of the Development Management DPD, and the Design and Townscape Guide (2009) are considered to be the relevant policies in considering the impact of the alterations to the shopfront. In particular the Design and Townscape Guide states at paragraph 396 "In conservation areas development proposals for shopfronts will be carefully controlled in order to preserve and enhance the traditional character and appearance of these areas. The design should be compatible with the individual style of the building and with the local vernacular. It must seek to sympathetically incorporate or reinstate any original features such as fascia scrolls, and use traditional colours and materials."
- 4.3 The black powder coated aluminium shopfront with integral punched lathe shutter that has been installed is out of keeping with the character and appearance of the streetscene and the historic Shoebury Garrison Conservation Area. The glazing is full height with small 150mm stallriser and the door is relocated to the centre. The design of the shopfront appears modern rather than retaining the traditional characteristics of the original timber shopfront, which is at odds with the character and appearance of the streetscene and the historic Shoebury Garrison Conservation Area contrary to policies DM1 and DM5 of the Development Management Document.

- 4.4 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 shopfront and roller shutters.

5 Planning History

- 5.1 April 2016 - Application to change Use from Dance Studio to Shop, and Install New Shopfront and Roller Shutters (retrospective) refused.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework
6.2 Core Strategy (DPD) Policies KP2 and CP4
6.3 Development Management (DPD) Policies DM1 and DM5
6.4 Design and Townscape Guide 2009 (SPD1)

7 Recommendations

- 7.1 **MEMBERS ARE RECOMMENDED TO TAKE NO FURTHER ACTION** with respect to the unauthorised change of use.
- 7.2 **MEMBERS ARE RECOMMENDED TO AUTHORISE ENFORCEMENT ACTION** for the removal of the unauthorised shopfront and roller shutters because their design and materials are detrimental to the character and appearance of the Shoebury Garrison Conservation Area and to the visual amenities of the streetscene contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM5 of the Development Management Document, and the Design and Townscape Guide 2009 (SPD1).
- 7.3 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.
- 7.4 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.