

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of
Enterprise, Tourism & the Environment
To
Development Control Committee
On
12th December 2012

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 |
|------|-------------|---------|------|
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| Enforcement Report | | | |
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| Milton | 12/00017/BRCN | Tower Hotel 146 Alexandra Road Southend | 2 |

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| Reference: | 12/00017/ BRCN_B |
| Ward: | Milton |
| Breach of Control: | Installation of windows without planning permission |
| Address: | 146 Alexandra Road, Southend-on-Sea, Essex, SS1 1HE |
| Case Opened: | 27 January 2012 |
| Case Officer: | Matthew Leigh |
| Recommendation: | AUTHORISE ENFORCEMENT ACTION |



1 Location and Description

- 1.1 The site is located on the northern side of Alexandra Road at its junction with Wilson Road. The site is occupied by a part two storey part three storey building. The site is located within the Clifftown Conservation Area.
- 1.2 The character of the area is predominately made up of two storey semi-detached and terraced properties; although there are three and four storey buildings within the vicinity.

2 Lawful Planning Use

- 2.1 The lawful use of this site is a hotel (Class C1).

3 Present Position

- 3.1 A planning application (SOS/10/00735/FUL) to change of use of a hotel (Class C1) to eight self-contained holiday apartments (Class C3) was granted in 2010. Condition 06 of the approval stated:

“Details of the new windows to be submitted and agreed prior to installation. This should include plans at a scale of 1:20 showing cross-section profile of the windows.”

- 3.2 An application (11/00558/AD) for the approval of detail was submitted which proposed plastic windows. The details were not approved as the windows, due to the design and materials, were considered not to preserve or enhance the character or appearance of the conservation area. A subsequent appeal in relation to conditions 04 (Refuse Store) and 05 (Cycle Store) was submitted.
- 3.3 A complaint was received in January 2012, that new windows had been installed on the site and that they were to the detriment of the character of the area.

4 Appraisal

- 4.1 The site is located within the Clifftown Conservation Area designated within the Borough Local Plan. The character of the area is predominately made up of two storey semi-detached and terraced properties; although there are three and four storey hotel buildings within the vicinity.
- 4.2 Good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies C4, C11 and H5 of the Local Plan, Policies KP2 and CP4 of the Core Strategy and East of England Plan Policies ENV 6 and ENV7. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.3 The windows that have been removed were predominately timber and appeared original. The unauthorised windows are plastic and although are of a ‘sash’ style do

not replicate the design features and proportions of the original windows and use the wrong materials.

- 4.4 It is considered that the replacement windows are detrimental to the conservation area and therefore do not preserve or enhance the character and appearance of the conservation area.
- 4.5 Given the number of windows which have been replaced the nature of the remedial works necessary to remedy the breach of planning control, it is considered that a compliance period of 12 months would be reasonable.

5 Human Rights Considerations

- 5.1 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 secure the removal the unauthorised development on the grounds that it has a detrimental impact upon the character of the Clifftown Conservation Area.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF)
- 6.2 East of England Plan (May 2008) Policies SS1 (Achieving Sustainable Development), ENV6 (The Historic Environment), ENV7 (Quality in the Built Environment).
- 6.3 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide.
- 6.5 Borough Local Plan Policies C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations) and H5 (Residential Design and Layout Considerations).

7 Relevant Planning History

- 7.1 2010 – An application (10/00735/FUL) to change the use of the existing hotel (Class C1) to eight self-contained holiday apartments (Class C3). The application also included the enlargement of dormer to south elevation, extend basement well and layout cycle and bin store. The application was approved on the 22nd June 2010.
- 7.2 2011 – An application (11/00558/AD) for the Approval of Details pursuant to Condition 02 (Materials), 04 (Refuse Store), 05 (Cycle Store) and 06 (Windows) of

planning permission 10/00735/FUL dated 16/06/2010 was submitted to the Local Planning Authority. A split decision was issued by the Council agreeing details in relation to Condition 02 but refusing details in relation to Conditions 04, 05 and 06. A subsequent appeal in relation to conditions 04 (Refuse Store) and 05 (Cycle Store) was allowed.

8 Recommendation

- 8.1 Members are recommended to **AUTHORISE ENFORCEMENT ACTION** to secure the removal of the unauthorised windows on the grounds that the replacement windows are detrimental to the appearance of the building and the character of the conservation area to contrary to BLP Policies C4 and C11 Policies KP2 and CP4 of the Core Strategy and advice contained within the adopted Design and Townscape Guide (SPD1).
- 8.2 The enforcement action to include (if/as necessary) the service 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.
- 8.3 When serving an Enforcement Notice, the local planning authority must ensure a reasonable time for compliance. In this case, a compliance period of 12 months is considered reasonable.