**Reference:** 17/00219/UNAU_B  
**Ward:** Leigh  
**Breach of Control:** Without planning permission the installation of new shop front and illuminated signage  
**Address:** 101 Broadway, Leigh on Sea, Essex. SS9 1PG  
**Case Opened:** 15th August 2017  
**Case Officer:** Steve Jones  
**Recommendation:** AUTHORISE ENFORCEMENT ACTION
1 Site and Surroundings

1.1 The site relates to a ground floor unit located on the northern side of Broadway, Leigh on Sea. It is used as a restaurant on the ground floor above which is residential on the first and second floors. The surrounding area is of a mixed character, including commercial and retail units, hot food takeaways, restaurants and office units in the ground floors and residential to the upper floors.

1.2 Although the shopfronts in the surrounding area are not of uniform design the majority of them have similar design features, including glazed windows with stallrisers.

1.3 The site is located within the Leigh Cliff Conservation Area and is a Primary Shopping Frontage as designated in the Development Management Document. The building is locally listed.

2 Lawful Planning Use

2.1 The restaurant is within Use Class A3 of the Town and Country Planning Act Use Classes (Amendment) Order 2005.

3 Background

3.1 In August 2017 investigation began concerning installation of a new shopfront without planning permission having first been obtained. The restaurant owner was advised to submit a retrospective planning application.

3.2 In September 2017 a retrospective planning application to retain the shopfront ‘as fitted’ was received. (17/01647/FUL) The application was initially invalid. The application was eventually made capable of being validated in March 2018.

3.3 In May 2018 that planning application was refused (copy of officer’s report at Appendix ‘A’) and the restaurant operator was emailed by planning staff asking what their intentions were following the refused application.

3.4 In August 2018, after a prolonged period with no response, planning staff emailed the restaurant operator advising that formal enforcement action would be sought if they did not make immediate contact.

3.5 In September 2018 an amended retrospective planning application was received (18/01724/FUL) in respect of the shopfront and the illuminated signage above the shopfront (18/01792/ADV). Both applications were found to be invalid.

3.6 Over the following 4 months there were several email exchanges between the restaurant operator and planning staff and following the engagement of a new planning agent the applications were eventually validated in January 2019.

3.7 On 11th March 2019 both applications were refused. See copy of officer’s reports at Appendix ‘B’ (shopfront) and Appendix ‘C’ (signage).
4 Appraisal and Policy Considerations

4.1 The 3 appended officer reports for the refused applications set out full assessments of policy and other material considerations.

4.2 The key issue relevant to this enforcement report is the impact of the unauthorised shopfront and signage on this locally listed building, the character and appearance of the Leigh Cliff Conservation Area and amenity.

5 Relevant Planning History

5.1 18/01724/FUL Install replacement shopfront (Retrospective amended proposal) – Application refused.

5.2 18/01792/ADV Install fascia sign and one projecting sign (Retrospective) – Refused.

5.3 18/00964/FUL Conversion of existing timber shed at rear to provide extension to dining area (Retrospective) Permission Granted.

5.4 17/01647/FUL Install replacement shopfront (Retrospective) Refused.

5.5 00/01248/FUL Retain new shopfront, roller shutters and erect extract duct at rear (Retrospective) - Application Refused.

5.6 00/01249/ADV Retain internally illuminated fascia sign and internally illuminated projecting box sign (Retrospective) - Application Refused.

5.7 03/01685/FUL Install timber framed shopfront and roller shutters to front elevation - Permission Granted.

5.8 03/01686/ADV Install externally illuminated fascia sign to front elevation. - Refuse Advertisement Consent.

5.9 04/00699/ADV Install one externally illuminated fascia sign and one externally suspended sign to front elevation - Grant Advertisement Consent

6 Assessment of the breaches

6.1 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

6.2 There has been thorough assessment and determination of the two refused applications for planning permission (for the shopfront) and the refused application for advertisement consent (for the fascia and projecting signage), officer reports for which are at Appendices A, B and C. It has been found that the currently installed shopfront and signage cause material harm to the locally listed building in which the unit is located and to the character and appearance of the Leigh Cliff Conservation Area. This is due to the unauthorised shopfront’s poor design and unsympathetic use of modern materials.
The unauthorised signage appears incongruous and harmful to visual amenity by reason of its size, design, materials, form, extent and method of internal illumination.

6.3 The harm is found to be less than substantial but, in itself, is significant and no public benefits have been identified to outweigh it. For the above reasons, and as explained in full detail in the appended officer reports, the currently installed shopfront and signage are unacceptable, harmful and in conflict with local and national planning policies.

6.4 Efforts to remedy the identified harm through consideration of amended proposals, which in themselves involved modest and unsatisfactory modifications to the existing shopfront, have been to no avail as they have not overcome the harm. In view of the protracted period for which this unresolved breach has continued it is now considered necessary and justified to take enforcement action to require removal of the unauthorised shopfront. In respect of the unauthorised fascia and projecting advertisements, authority is also sought to bring a prosecution for an offence under Section 224 of the Town and Country Planning Act 1990 (as amended.)

6.5 Taking enforcement action in this case may amount to an interference with the owner/occupier’s 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, proportionate and in the public interest to pursue enforcement action to remove the unauthorised development and signage.

7 Recommendation

7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to secure the removal of the unauthorised shop front and illuminated fascia and projecting signs to the front elevation.

7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice and pursuance of proceedings under Section 224 of the Town and Country Planning Act 1990 (as amended).

7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the removal of the unauthorised shop front and signage.
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<thead>
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<td>Install replacement shopfront (retrospective)</td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Mr Orhan Karabulut</td>
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<tr>
<td><strong>Agent:</strong></td>
<td>New World Designers</td>
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<td><strong>Consultation Expiry:</strong></td>
<td>13 April 2018</td>
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<td><strong>Expiry Date:</strong></td>
<td>16 May 2018</td>
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<td><strong>Case Officer:</strong></td>
<td>Scott Davison</td>
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<tr>
<td><strong>Plan Nos:</strong></td>
<td>2699/9/38 Sheet 1, Design and Access Statement &amp; Supporting Site Photographs</td>
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<tr>
<td><strong>Recommendation:</strong></td>
<td>REFUSE PLANNING PERMISSION</td>
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1 The Proposal

1.1 The application seeks retrospective planning permission for the installation of a new shopfront to 101 Broadway.

1.2 The shopfront comprises new brown coloured steel framed and double glazed windows in the shopfront with double glazed entrance doors. A new retractable awning would replace the existing one. The fascia signage above the shopfront would be renewed and a new projecting sign would be installed.

1.3 Any advertisement consent for the new fascia signs cannot be assessed on this application and a separate planning application is required to be submitted.

2 Site and Surroundings

2.1 The application site relates to a ground floor unit located on the northern side of Broadway. The property was built as a part of parade of shops (93 -111) between Leigh Hall Road and Oakleigh Park Drive, the properties are two-and-a-half storeys in height. The site is currently used as a Turkish restaurant. The property is residential at the first and second floor. The surrounding area is of a mixed character, including commercial and retail units, hot food takeaways, restaurants and office units in the ground floors and residential to the upper floors.

2.2 Although the shopfronts in the surrounding area are not of uniform design the majority of them have similar design features, such as glazed shopfront bi-fold doors or windows and stallrisers.

2.3 The application site is located within the Leigh Cliff Conservation Area and is a Primary Shopping Frontage as designated Development Management Document.

3 Planning Considerations

3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area including the Conservation Area, any traffic and transport issues and impact on residential amenity.

4 Appraisal

Principle of Development


4.1 According to the policies and guidance new development is supported, but development should respect to the existing character and appearance of the surrounding area. Proposed shopfront alterations are acceptable in principle. Other material planning considerations are discussed below.
Design and Impact on the Character of the Area:


4.2 Paragraph 56 of the NPPF states 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”.

4.3 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.

4.4 Policy DM5 (paragraph 2.26) says: To conserve and enhance the character and quality of the Conservation Areas, development proposals, both traditional and modern, will have to be carefully considered and demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character and distinctiveness.

4.5 Policy DM13 states: All new shop frontages will be of a high standard of design that is compatible with the architectural style and character of the building and surrounding area. The design of new shop fronts should have regard to the Design and Townscape Guide SPD and address the following design principles:

(i) The loss of traditional features and shop fronts which make a positive contribution to the character and appearance of the building or surrounding area will be resisted unless it can be demonstrated that the benefits of a proposal significantly outweigh their loss;

4.6 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”. The Guide seeks shopfronts that relate well to the surrounding townscape. Paragraph 394 under the heading of Shopfronts and Shutters says “shopfronts must always be designed to complement and enhance the rest of the building and the local environment.” and it is also added that “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 feature such as fascia scrolls, and use traditional colours and materials.” (Paragraph 396).
4.7 The proposed development involves the installation of a new shopfront replacing the existing wooden shopfront within the Leigh Cliff Conservation Area. The Leigh Cliff Conservation Area Character Appraisal (8.1) describes the contribution of buildings to the character of the Conservation Area. Buildings have been graded on a scale of one to five and the application site and the Wimpy at No.97 fall within the criteria description: “Negative, buildings which would benefit from improvements to their appearance and/or maintenance, or of indifferent design unsuited to the character of the conservation area” The other shopfronts in the parade 93 -11 Broadway are described as having a positive contribution, in harmony with the character of the Conservation Area. The appraisal states that unsympathetic alterations or ‘improvements’ can have the effect of moving a building down a grade. Similarly reversal of such alterations could restore its original character and move it up a grade.

4.8 The previous shopfront had a traditional appearance including a stallriser and was timber framed with a red painted finish with single glazed windows and door. There are a number of shopfronts within the Conservation Area to the west part of Broadway that have been constructed from aluminium and modern materials. However, the majority of the shopfronts maintained stallrisers and/or have been constructed from timber and are of a traditional style, more in keeping with the conservation area.

4.9 The application form describes the materials of the proposed new shopfront as steel framed with a set of double doors (painted in a brown colour). It is considered that this has failed to preserve or enhance the appearance of the building. The design of the shopfront is basic, generic modern design and contains no traditional features or references. A replacement timber framed shopfront and doors would have been preferable to the proposed materials. It is therefore considered that the basic appearance of the shopfront is detrimental to its relationship with the traditional character of the surrounding area and it is considered that this does not reflect the previous more traditional shopfront and is not sympathetic to the building in which it is located or neighbouring buildings and has harmed the character of the Conservation Area.

4.10 The previous shopfront contained a retractable awning and retractable awnings and canopies are a common feature along Broadway. Therefore the installation of a retractable awning to the front of the restaurant is considered acceptable.

Traffic and Transport Issues


4.11 The site is in a commercial area and it is considered that proposed replacement shopfront would not result in any parking implications, as the restaurant already exists and Broadway is served by public transportation and parking spaces are also available on street. The proposal would not result in any adverse impact on the functioning of the highway or pedestrian pavement. The proposal is therefore acceptable and policy compliant.
Impact on Residential Amenity:


4.12 Paragraph 17 of the National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.13 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.

4.14 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area.

4.15 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”.

4.16 The proposed shop front is positioned on the front elevation of the building and fronts onto the public highway. It is part of an established and busy commercial shopping area. It is therefore considered that the proposed shopfront would not result in any harm to the amenities of units within the shopping parade or nearby residential properties and is accordance with the above policies.

Community Infrastructure Levy
CIL Charging Schedule 2015

4.17 The proposed development would not create any additional floorspace at the application site and therefore is not CIL liable.

5 Conclusion

5.1 It is considered that the proposed replacement shop front would not reflect the previous traditional shopfront and is not sympathetic to the building in which it is located or neighbouring buildings. The poor design and use of modern materials in the proposed shopfront harms the character of the Leigh Cliff Conservation Area and would have an adverse visual impact on the streetscape. Therefore, it is recommended that planning permission is refused.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)

6.3 Development Management Document (2015): Policies DM1 (Design Quality); DM5 (Southend-on-Sea’s Historic Environment); DM13 (Shopping Frontage Management outside the Town Centre) & DM15 (Sustainable Transport Management)


6.5 CIL Charging Schedule 2015

6.7 Leigh Cliffs Conservation Area Character Appraisal (2010)

7 Representation Summary

Leigh Town Council

7.1 Leigh Town Council comments: No objection

Design and Regeneration

7.2 The design and regeneration comments are as follows:

- The site is within Leigh Cliff Conservation Area. The Leigh Cliff Conservation Area Appraisal in section 9.1 particularly identifies the loss of traditional shopfronts as being a problem for the conservation area.

- A traditional timber shopfront has been removed and replaced with a basic modern aluminium design - this has harmed the character of the conservation area.

- There is a concern that allowing this change from traditional timber form to modern fully glazed aluminium would not only harm the conservation area but would also set a precedent for other businesses to remove timber shopfronts in the conservation area and this could cause further harm.

- It is noted that there are a few modern shopfronts but these are generally historic and the Council will be seeking reinstatement of traditional designs and materials where possible.

- There would be no objection to a replacement timber shopfront with traditional features and proportions in this location, please see the Design and Townscape Guide for guidance on the design of traditional shopfronts.

- The previous signage was not particularly traditional and there is no objection to replacement signage.

- There is no objection to individual projecting letters but the proposed illuminated signage is very bright and lacks traditional materials - this is also out of keeping within a conservation area - a timber backing with more subtle e.g. halo or trough illumination to the letters would be more appropriate.

Parks

7.3 No comments received
The Leigh Society

7.4 No comments received

Public Consultation

7.5 A Site Notice was posted and an advert was printed in the press advert. 22 neighbours were consulted and no letters of representations have been received.

8 Relevant Planning History

8.1 00/01248 Retain new shopfront, roller shutters and erect extract duct at rear (retrospective) Application Refused

8.2 00/01249/ADV Retain internally illuminated fascia sign and internally illuminated projecting box sign (retrospective) Application Refused

8.3 03/01685/FUL Install timber framed shopfront and roller shutters to front elevation – Permission Granted

8.4 03/01686/ADV Install externally illuminated fascia sign to front elevation Refuse Advertisement Consent

8.5 04/00699/ADV Install one externally illuminated fascia sign and one externally suspended sign to front elevation Grant Advertisement Consent

8.6 There are two live enforcement investigations at this site. The first alleged breach of control; (LPA Reference 17/00219/UNAU_B) is alleged unauthorised development (Shopfront and signage). The second; (LPA Reference: 18/00103/UNAU_B) is an alleged unauthorised outbuilding to rear.

9 Recommendation

REFUSE PLANNING PERMISSION subject to the following reason:

01 The shopfront by reason of its poor design and use of modern materials is not sympathetic to the building in which it is located or neighbouring buildings. The shopfront harms the character and appearance of the site and the Leigh Cliff Conservation Area contrary to Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1, DM5, and DM13 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.
Informatives

01. You are advised that as the proposed works to your property creates no new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

02. Please note that advertisements i.e. fascia signage for the commercial unit may require separate advertisement consent. Details can be found at http://www.planningportal.co.uk/info/200130/common projects/4/adverts and signs
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<td>Scott Davison</td>
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1. **The Proposal**

1.1 The application seeks retrospective planning permission for the installation of a new shopfront to 101 Broadway, Leigh-On-Sea.

1.2 The proposal is for the retention of a bronze coloured steel framed shopfront with toughened double glazed windows and double glazed entrance doors. A new timber stall riser is proposed which did not form part of the previous application. The previous shopfront had a traditional appearance including a stallriser and was timber framed with a red painted finish with single glazed windows and door.

1.3 The submitted plans show details of the fascia signage above the shopfront and a new projecting sign. This does not form part of this application and a separate application for advertisement consent for new fascia signage and projecting sign is under consideration (reference 18I01792/ADV).

1.4 This application follows the refusal of planning application 17/01647/FUL Install replacement shopfront (retrospective) which was refused for the following reason,

*The shopfront by reason of its poor design and use of modern materials is not sympathetic to the building in which it is located or neighbouring buildings. The shopfront harms the character and appearance of the site and the Leigh Cliff Conservation Area contrary to Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1, DM5, and DM13 of the Development Management Document (2015) and the Design and Townscape Guide (2009)*

1.5 The main difference between the refused scheme and proposed development is the introduction of a 2.6m wide, 0.8m high hardwood timber stall riser to the left of the double doors. The stallriser would be affixed to the full frame floor to ceiling height window that would give the appearance of a smaller window. The double doors and window on the right hand side are retained in the bronze anodised steel frame shopfront.

1.6 The application site is located in within a parade of buildings, 93-111 Broadway that is locally listed. This is not a new designation but was not referenced in the previous application.

2.0 **Site and Surroundings**

2.1 The application site relates to a ground floor unit located on the northern side of Broadway. The property was built as a part of parade of shops (93-111) between Leigh Hall Road and Oakleigh Park Drive, the properties are two-and-a-half storeys in height. The site is currently used as a Turkish restaurant. The property is residential at the first and second floor. The surrounding area is of a mixed character, including commercial and retail units, hot food takeaways, restaurants and office units in the ground floors and residential to the upper floors.

2.2 Although the shopfronts in the surrounding area are not of uniform design, the majority of them have similar design features, such as glazed shopfront bi-fold...
doors or windows and stallrisers, and traditional materials such as timber and slim metal frames

2.3 The application site is located within the Leigh Cliff Conservation Area and within parade of buildings, No's 93-111 which are locally listed. The site is also within a Primary Shopping Frontage as designated Development Management Document

3.0 Planning Considerations

3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area including the Conservation Area, any traffic and transport issues and impact on residential Amenity

4.0 Appraisal

Principle of Development


4.1 This proposal is considered in the context of the Core Strategy, policies KP2 and CP4 and policies DM1, DM3 and DM5 of the Development Management Document. These policies and guidance support alterations to properties in conservation areas where such alterations respect the existing historic character of the buildings, preserve and enhance the character and appearance of the wider conservation area and respect the amenity of neighbours. Therefore the proposed shopfront alteration is acceptable in principle. Other material planning considerations are discussed below

Design and impact on the character of the area including the Conservation Area


4.2 Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy DM5 of the Development Management Document states the Council has a statutory duty to preserve or enhance their character and appearance. Development proposals must demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character.

4.3 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management
4.4 Policy DM5 (paragraph 2 26) says “To conserve and enhance the character and quality of the Conservation Areas, development proposals, both traditional and modern, will have to be carefully considered and demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character and distinctiveness”.

4.5 Policy DM13 states. “All new shop frontages will be of a high standard of design that is compatible with the architectural style and character of the building and surrounding area. The design of new shop fronts should have regard to the Design and Townscape Guide and address the following design principles”.

(i) The loss of traditional features and shop fronts which make a positive contribution to the character and appearance of the building or surrounding area will be resisted unless it can be demonstrated that the benefits of a proposal significantly outweigh their loss;

4.6 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments” The Guide seeks shopfronts that relate well to the surrounding townscape Paragraph 394 under the heading of Shopfronts and Shutters says “shopfronts must always be designed to complement and enhance the rest of the building and the local environment.” and it is also added that “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 feature such as fascia scrolls, and use traditional colours and materials.” (Paragraph 396).

4.7 The Leigh Cliff Conservation Area Character Appraisal (Section 9 1) identifies problems and pressures in the Conservation Area. It states, “Commercial pressure and competition in Broadway has led to inappropriate and insensitive shop fronts, often with over-sized and brightly coloured fascias” In terms of enhancements to shop fronts in the Conservation Area, the Character Appraisal (section 9 7.2) states ‘When applications are made for changes, it is important that good design principles are followed. The key points to consider are as follows: 
- Shop-fronts should relate to the architecture and age of the buildings they inhabit so that the ground floor does not become disjointed from the floors above
- Large plate glass windows are rarely appropriate and should usually be subdivided with mullions, and raised in height with a stall-riser of adequate height.

4.8 The application site is located within a parade in the Broadway 93- 111 and this group of buildings is locally listed. These do not have the statutory protection afforded to Listed buildings but nonetheless make an important contribution to Southend’s historic character and distinctiveness and consequently need to be Conserved. A building’s Locally Listed status will be a material consideration for all planning applications affecting it and, as with Listed Buildings, applications involving loss or harm to locally listed building will normally be resisted although a
balanced Judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits.

Proposals for Locally Listed building should pay special regard to
- preserving or restoring features which contribute to their character especially where they are visible from the street
- maintaining their scale and proportions
- preserving their setting
- using appropriate materials.

This does not mean the building has to be preserved exactly as it is, but that any alterations should be carried out in a sympathetic manner.

4.9 The existing shopfront is unauthorised. The proposed development within the Leigh Cliff Conservation Area involves the installation of a new shopfront replacing the previously existing wooden shopfront. The Leigh Cliff Conservation Area Character Appraisal (8.1) describes the contribution of buildings to the character of the Conservation Area. Buildings have been graded on a scale of one to five and the application site and the Wimpy at No 97 fall within the criteria description. “Negative, buildings which would benefit from improvements to their appearance and/or maintenance, or of indifferent design unsuited to the character of the conservation area” The other shopfronts in the parade 93-11 Broadway are described as having a positive contribution, in harmony with the character of the Conservation Area. The appraisal notes that unsympathetic alterations or ‘improvements’ can have the effect of moving a building down a grade. Similarly reversal of such alterations could restore its original character and move it up a grade.

4.10 The previous shopfront, (before the present unauthorised steel framed shopfront) had a traditional appearance with a stallriser and a timber framed with a red painted finish with single glazed windows and door. There are a number of shopfronts within the Conservation Area to the western part of Broadway that have been constructed from aluminium and modern materials however these are generally historic and the Council will be seeking reinstatement of traditional designs and materials where possible. The majority of the shopfronts in the vicinity of the site have maintained stallrisers and/or have been constructed from timber and are of a traditional style, more in keeping with the conservation area.

4.11 The proposed shopfront is unchanged from the previously refused scheme aside from the introduction of hardwood stallriser that would be screwed to the window to the left hand side of the shop front. The other proposed materials remain unaltered i.e. the same anodised steel framed shopfront in bronze with a set of double doors (painted in a bronze colour) and window to the right hand side of the shop front. It is considered that this has failed to preserve or enhance the appearance of the building. The design of the shopfront has attempted to reference one of the traditional features of shopfront through the introduction of the affixed stallriser, however the shopfront is still essentially the same basic, generic modern design that was refused previously. The design and regeneration comments express concerns that retrofitting a timber stallriser to the front of the existing shopfront and retention of the existing doors and frame would not be a convincing or visually acceptable substitute for the timber shopfront which has been removed and will not preserve or enhance the conservation area.
4.12 The design comments also state that a replacement timber framed shopfront and doors would have been preferable to the proposed shopfront materials which are regarded as inappropriate. It is therefore considered that the basic appearance of the shopfront is detrimental to its relationship with the traditional character of the surrounding area and it is considered that this does not reflect the previous more traditional shopfront and is not sympathetic to the locally listed building in which it is located or neighbouring buildings, has harmed the character of the Conservation Area and failed to overcome the previous reason for refusal.

Traffic and Transport Issues


4.13 The site is in a commercial area and it is considered that proposed replacement shopfront would not result in any parking implications, as the restaurant already exists and Broadway is served by public transportation and parking spaces are also available on street. The proposal would not result in any adverse impact on the functioning of the highway or pedestrian pavement. The proposal is therefore acceptable and policy compliant

Impact on Residential Amenity:


4.14 Paragraph 127 of the National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

4.15 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas

4.16 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area.

4.17 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”

4.18 The proposed shop front is positioned on the front elevation of the building and fronts onto the public highway. It is part of an established and busy commercial shopping area. It is therefore considered that the proposed shopfront would not result in any harm to the amenities of units within the shopping parade or nearby residential properties and is accordance with the above policies
4.19 The proposed development would not create any additional floorspace at the application site and therefore is not CIL liable.

5 Conclusion

5.1 It is considered that the proposed replacement shop front would not reflect the previous traditional shopfront and furthermore is not sympathetic to the locally listed building in which it is located or neighbouring buildings. The poor design and use of modern materials in the proposed shopfront harms the character of the locally listed building, the Leigh Cliff Conservation Area and would have an adverse visual impact on the streetscape Therefore, it is recommended that planning permission is refused.

6 Planning Policy Summary


6.3 Development Management Document (2015): Policies DM1 (Design Quality); DM5 (Southend-on-Sea’s Historic Environment); DM13 (Shopping Frontage Management outside the Town Centre) & DM15 (Sustainable Transport Management)

6.4 Design & Townscape Guide (2009)

6.5 CIL Charging Schedule 2015

6.6 Leigh Cliffs Conservation Area Character Appraisal (2010)

7 Representation Summary

7.1 Leigh Town Council
Leigh Town Council comments. No objection

7.2 Design and Regeneration
There is a concern that retrofitting a timber stallriser to the front of the existing aluminium shopfront and retention of the existing aluminium doors and frame will not be a convincing or visually acceptable substitute for the timber shopfront which has been removed and will not preserve or enhance the conservation area. The proposal is therefore considered to cause harm to the character of the conservation area. A proper timber shopfront, with integral timber frame, doors and stallriser, should be sought.

Highways

7.3 No objection
Leigh Town Council

7.4 No objection

Public Consultation

7.5 A Site Notice was posted and an advert was printed in the press advert 22 neighbours were consulted and no letters of representations have been received.

8 Relevant Planning History

8.1 18/01792/ADV Install fascia sign and one projecting sign (Retrospective) Pending Consideration

8.2 18/00964/FUL Conversion of existing timber shed at rear to provide extension to dining area (Retrospective) Permission Granted

8.3 17/01647/FUL Install replacement shopfront (retrospective) — Application refused

8.4 00/01248 Retain new shopfront, roller shutters and erect extract duct at rear (retrospective) Application Refused

8.5 00/01249/ADV Retain internally illuminated fascia sign and internally illuminated projecting box sign (retrospective) Application Refused

8.6 03/01685/FUL Install timber framed shopfront and roller shutters to front elevation — Permission Granted

8.7 03/01686/ADV Install externally illuminated fascia sign to front elevation Refuse Advertisement Consent

8.8 04/00699/ADV Install one externally illuminated fascia sign and one externally suspended sign to front elevation Grant Advertisement Consent

8.9 There is live enforcement investigation at this site. The alleged breach of control; (LPA Reference 17/00219/UNAU_B) is alleged unauthorised development (Shopfront and signage).

9 Recommendation

01 REFUSE PLANNING PERMISSION subject to the following reason:
The shopfront by reason of its poor design and use of inappropriate materials is not sympathetic to the locally listed building in which it is located or neighbouring buildings. The shopfront materially harms the character and appearance of the locally listed building and the Leigh Cliff Conservation Area contrary to Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1, DM5, and DM13 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly
setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.

Informatives

You are advised that as the proposed works to your property creates no new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

Please note that advertisements i.e. fascia signage for the commercial unit may require separate advertisement consent. Details can be found at http://www.planningportal.co.uk/info/200130/common Projects/4/adverts and signs
<table>
<thead>
<tr>
<th><strong>Reference:</strong></th>
<th>18/01792/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ward:</strong></td>
<td>Leigh</td>
</tr>
<tr>
<td><strong>Proposal:</strong></td>
<td>Install fascia sign and one projecting sign (retrospective)</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>101 Broadway, Leigh-On-Sea, Essex, SS9 1PG</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Mr Orhan Karabulut</td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>New World Designers</td>
</tr>
<tr>
<td><strong>Consultation Expiry:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Expiry Date:</strong></td>
<td>19.03.19</td>
</tr>
<tr>
<td><strong>Case Officer:</strong></td>
<td>Scott Davison</td>
</tr>
<tr>
<td><strong>Plan Nos:</strong></td>
<td>2729/9/40/1 of 3  2729/9/40/2 of 3  2729/9/40/3 of 3</td>
</tr>
<tr>
<td><strong>Recommendation:</strong></td>
<td>REFUSE ADVERTISEMENT CONSENT</td>
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</tbody>
</table>
1 The Proposal

1.1 The application seeks retrospective advertisement consent to retain the unauthorised fascia signage and projecting sign at 101 Broadway, Leigh-On-Sea. The proposed fascia sign has white lettering on a brown “Perspex” background and reads; “Enfes Mangal.” Each of these 400mm high letters is internally illuminated with neon tubes. Below the illuminated lettering on the fascia sign are 150mm high white coloured non-illuminated letters that read: “Authentic Turkish Restaurant 01702 471 477”. The fascia sign is some 4.7m wide and 1.1m high and projects 50mm from the face of the building. The projecting sign is 450mm circular shaped, internally illuminated with neon tubes and reads “Enfes Mangal 01702 471 477”. It projects some 500mm from the face of the building.

2 Site and Surroundings

2.1 The application site relates to a ground floor unit located on the northern side of Broadway. The property was built as a part of parade of shops (93 -111) between Leigh Hall Road and Oakleigh Park Drive, the properties are two-and-a-half storeys in height. The site is currently used as a Turkish restaurant. It has an unauthorised bronze coloured steel framed shopfront with toughened double glazed windows and double glazed entrance doors. The previous red coloured fascia signage did not have a traditional appearance but was less deep and non-illuminated.

2.2 The property is residential at the first and second floor. The surrounding area is of a mixed character, including commercial and retail units, hot food takeaways, restaurants and office units in the ground floors and residential to the upper floors.

2.3 The application site is located within the Leigh Cliff Conservation Area and within parade of buildings, No’s 93-111 which are locally listed. The site is also within a Primary Shopping Frontage as designated Development Management Document.

3 Appraisal

3.1 Amenity

Aural Amenity


3.2 The NPPG states that if an advertisement makes a noise, aural amenity would need to be taken into account before express consent can be given.

3.3 Given the nature of the advertisement proposes it is considered that the advertisements would not result in any undue noise or disturbance and would not therefore result in any harm to amenity in this respect.

Visual Amenity and Impact on the Character and Appearance of the Area

3.4 Paragraph 132 of the NPPF states “The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

3.5 Paragraph 382 of the Design and Townscape Guide states ‘Advertisements, including illuminated signage are an essential part of commercial development, they can add vitality to an area but because they are intended to have significant public impact, care needs to be taken to ensure that they do not have a detrimental effect on townscape. Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area. Over illuminated or poorly located signage could also have a detrimental effect on highway safety. Adverts should be well designed in themselves and have adequate regard for their setting. A well-made attractive sign can be just as effective and project an image of quality to the customer. All signage must be integral to and compliment the design of the building/shopfront.’

3.6 Paragraphs 383 and 384 of the Design and Townscape Guide states ‘Where located on a building, signage must be related to the building proportions and not appear over dominant. They must not obstruct architectural features such as shopfronts, windows and cornices…The appropriate number and size of signs will depend on the scale of the building and its location…Large numbers of adverts add clutter to the streetscene and will not be considered appropriate…All signage should be appropriate to the context and not result in a proliferation of clutter in the streetscene…Particular care should be given to the impact of signage in Conservation Areas.’

3.7 Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy DM5 of the Development Management Document states the Council has a statutory duty to preserve or enhance their character and appearance. Development proposals must demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character.

3.8 The site is located within the Leigh Cliff Conservation Area. The NPPG states ‘In assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and keeping with these features. This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large building and main highways) where the advertisement would not adversely affect
the visual amenity of the neighbourhood of the site.’ (Paragraph 079 Reference ID: 18b-079-20140306).

3.9 Paragraph 193 of the NPPF states ‘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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

3.10 Paragraphs 195 and 196 of the NPPF states ‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss if necessary to achieve substantial public benefits that outweigh that harm or loss… Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

3.11 Policy DM5 of the Development Management Document states ‘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, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal and will be resisted where there is no clear and convincing justification for this.’

3.12 The site is sensitively located within a Conservation Area and is in a parade of buildings that are locally listed. It is considered that the internally illuminated advertisements proposed would be out of keeping with the locally listed building and the Conservation Area. The majority of the advertisements in the area are externally illuminated and this proposal includes internally illuminated white lettering on a brown background and an internally illuminated projecting sign. The design consultation response notes that the street block and wider conservation area generally has few instances of illuminated box signs. The proposed fascia signage has large projecting illuminated letters and “Perspex” is a non-traditional material which would appear garish and incongruous resulting in material harm to the visual amenity and the character and appearance of the site, the surrounding area and the Conservation Area. The impact of the sign is exacerbated by its overall depth and it does not preserve or enhance the character of the conservation area and is judged to cause harm to its significance. Whilst the harm to the locally listed building and the Conservation Area would be less than substantial, it would, in itself, be significant and the public benefits of the proposal would not outweigh the material harm identified. The proposal is therefore unacceptable and an objection is raised on this basis.

3.13 The development is contrary to National and Local planning policy and is therefore recommended for refusal on this basis.

Public Safety

Development Control Report
The NPPG states that in determining the impact of an advertisement on public safety, ‘public safety is not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic and transport on land (including the safety of pedestrians), over water or in the air.’ (Paragraph 028 Reference ID: 18b-0128-20140306). It is necessary to consider the impact of the development on road users, railway safety, waterways, docks and harbours, aircrafts, the operation of an aerodrome and crime prevention.

The vital consideration in assessing an advertisement’s impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others safety.

All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired an application may be refused.

It is considered that the design and siting of the adverts are of a nature which are simple, clear and legible and will not result in confusion or delay for passing traffic to the detriment of highway safety.

Given the location of the site, and the location and nature of the proposed advertisement, it is considered that the proposal would not result in any harm to railways safety or the safety of any waterways, docks or harbours or result in any undue harm to aircraft safety or the operation of an aerodrome. It is unlikely that the advertisement proposed would pose any harm to security or affect any CCTV cameras and as such the proposal would not harm crime prevention.

As such, it is considered that the proposal would not result in any adverse impact to public safety.

4 Conclusion

The proposed advertisements are not considered to have a detrimental impact on public safety, however the site is located on a locally listed building and within a Conservation Area and the internally illuminated advertisements would result in material harm to the visual amenity and the character and appearance of the site, the locally listed building, the surrounding area and the Conservation Area. Whilst the harm to the Conservation Area would be less than substantial, this harm would in itself be significant and is not clearly outweighed by any public benefits. The proposal is therefore unacceptable and contrary to policy. As such it is recommended that advertisement consent is refused.

5 Planning Policy Summary


Development Control Report
5.2 Core Strategy (2007) Policies KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)

5.3 Development Management Document (2015): Policies DM1 (Design Quality); Policy DM3 (Efficient and Effective Use of Land); DM5 (Southend-on-Sea’s Historic Environment) & DM15 (Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 CIL Charging Schedule 2015

5.6 Leigh Cliffs Conservation Area Character Appraisal (2010)

5.7 National Planning Policy Guidance (2014)

6 Representation Summary

Leigh Town Council

6.1 No objection

Design and Regeneration

6.2 The application site sits within a block of shops and flats which are locally listed and within Leigh Cliff Conservation Area. The block is considered to make a positive contribution to the historic streetscene.

6.3 The proposal seeks permission to retain the illuminated box sign which has been installed without consent. This block and the conservation area generally has few instances of illuminated box signs and where these occur they are harmful to its character. The previous signage was non-illuminated. The replacement sign has large projecting illuminated letters and a non-traditional material and is brash in design. It does not preserve or enhance the character of the conservation area and is judged to cause harm to its significance. A more sensitive solution should be sought.

Public Consultation

6.4 A Site Notice was posted and no letters of representations have been received.

7 Relevant Planning History

7.1 18/01724/FUL Install replacement shopfront (retrospective) (Amended) – Application refused

7.2 18/00964/FUL Conversion of existing timber shed at rear to provide extension to dining area (Retrospective) Permission Granted

7.3 17/01647/FUL Install replacement shopfront (retrospective) – Application refused

7.4 00/01248 Retain new shopfront, roller shutters and erect extract duct at rear

Development Control Report
Development Control Report

(retrospective) Application Refused

7.5 00/01249/ADV Retain internally illuminated fascia sign and internally illuminated projecting box sign (retrospective) Application Refused

7.6 03/01685/FUL Install timber framed shopfront and roller shutters to front elevation – Permission Granted

7.7 03/01686/ADV Install externally illuminated fascia sign to front elevation Refuse Advertisement Consent

7.8 04/00699/ADV Install one externally illuminated fascia sign and one externally suspended sign to front elevation Grant Advertisement Consent

7.9 There is live enforcement investigation at this site. The alleged breach of control; (LPA Reference 17/00219/UNAU_B) is alleged unauthorised development (Shopfront and signage).

8 Recommendation

REFUSE ADVERTISEMENT CONSENT for the following reason:

01 The proposed internally illuminated fascia and projecting signage by reason of their size, design, materials, form, extent and method of illumination would appear incongruous in the area, resulting in significant harm to the visual amenity of the site and the surrounding area and would materially detract from the character and appearance of the locally listed building and the Leigh Cliff Conservation Area. Whilst the harm to the Leigh Cliff Conservation Area would be less than substantial, the harm, in itself would be significant and the public benefits of the proposal would not clearly outweigh the material harm identified. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.

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