

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 1st July, 2020**

**Place: Virtual Meeting via MS Teams**

Present: Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear, M Dent, F Evans, N Folkard\*, D Garston, S Habermel, D Jarvis, A Jones, C Mulroney, A Thompson and S Wakefield

\*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillor McGlone  
P Geraghty, K Waters, C Galforg, P Keyes, C White, M Warren, T Row, T Hartley, C Woodcraft, T Smyth and G Gilbert

Start/End Time: 5.00 - 7.35 pm

#### **107 Apologies for Absence**

Apologies were received from Councillor Walker (Substitute: Cllr Folkard).

#### **108 Declarations of Interest**

The following declarations of interest were made at the meeting:

1. All Committee Members – Agenda Item No. 7 (20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea) – Non-Pecuniary Interest: Fellow Councillor and Committee Member lives on St Bennets Road.
2. All Councillors – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Non-Pecuniary Interest: All Councillors received emails from objectors to the application
3. Cllr Ayling – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness) – Non-Pecuniary Interest: Is a member of the Shoebury Watermans Association
4. Cllr Ayling – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Non-Pecuniary Interest: Has responded to an email regarding a resident's concerns
5. Cllr Beck – Agenda Item No. 4 (20/00315/FUL - Baryta House, Victoria Avenue, Southend-on-Sea) – Non-Pecuniary Interest: Has received correspondence from residents regarding the application
6. Cllr Beck – Agenda Item No.7 ((20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea) – Non-Pecuniary Interest: Lives in close proximity to the application site.
7. Cllr Chalk – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness) – Non-Pecuniary Interest: Has been involved in the development of East Beach.
8. Cllr Cowan – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Non-Pecuniary Interest: Has given advice on how the planning system works to residents
9. Cllr Cowan – Agenda Item No. 8 (18/00241/UNAU\_B - 47 Prince Avenue, Southend-on-Sea) – Non-Pecuniary Interest: Has received messages from concerned residents.

10. Cllr Garston: Agenda Item No. 7 (20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea) Non-Pecuniary Interest: Has advised neighbours on the application.
11. Cllr Garston – Agenda Item No. 8 (18/00241/UNAU\_B - 47 Prince Avenue, Southend-on-Sea) – Non-Pecuniary Interest: The objector is known to him.
12. Cllr Jarvis – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness) – Non-Pecuniary interest: Is a resident of the Garrison and is a member of the Shoebury Coastal Community Team.
13. Cllr Mulroney – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Disqualifying Non-Pecuniary Interest: Portfolio holder for parks.
14. Cllr Wakefield – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road) – Non-Pecuniary Interest: has been involved in the development of East Beach
15. Cllr Wakefield – Agenda Item No. 8 (18/00241/UNAU\_B - 47 Prince Avenue, Southend-on-Sea) – Disqualifying Non-Pecuniary Interest: The applicant is known to him

## **109 Supplementary Report**

The Committee received a supplementary report by the Deputy Chief Executive and Executive Director (Growth and Housing) that provided additional information on the items referred to elsewhere on the Agenda.

## **110 20/00315/FUL - Baryta House, Victoria Avenue, Southend-on-Sea (Victoria Ward)**

Proposal: Erect four storey building comprising 9no. flats with undercroft car park and reconfigure car park to rear of Baryta House

Applicant: Shaviram Southend Ltd

Agent: Mr Daniel Rose of D. Rose Planning LLP

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

1. The proposed development, by reason of the inadequate and poor quality external amenity spaces provided would result in substandard living conditions for the future occupiers of the site, providing a poor quality residential environment. The proposal 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 DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
2. The proposed development would provide insufficient parking for the proposed self-contained flats and the existing flats at the site to the material detriment of highway safety and free flow of the local highway network. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

## **111 20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness (Shoeburyness Ward)**

**Proposal: 1. Various works to former MOD Buildings at Gunners Park comprising of, replacement doors/windows/shutters, install graded earth**

access to Quick Fire Battery, replace doors/windows to Experimental Casemate Building, install temporary external landing on Experimental Casemate, replace doors, install graded earth access to Old Powder Magazines, install temporary art installations at East Beach and on jetty by Experimental Casemate and carry out emergency weatherproofing where required, install power supplies where needed and removal of Graffiti

2. Various works to former MOD Buildings at Gunners Park comprising of, replacement doors/windows/shutters, re-secure shaft and install graded earth access to Quick Fire Battery, replace doors/windows and install temporary platform floor to Experimental Casemate Building, install temporary external landing on Experimental Casemate, replace doors, install graded earth access and temporary platform floor to Old Powder Magazines, install temporary art installations at East Beach and on jetty by Experimental Casemate and carry out emergency weatherproofing where required, install power supplies where needed and removal of Graffiti (Listed Building Consent)

**Applicant: Ms Bailey**

**Agent: Ms Raichel Warren of SKArchitects**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 596-P01, 596-P04, 596-P05, 596-P06, 596-P07B, 596-P08B, 596-P09B, 596-P10A and 596-P11.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03 The design details and materials to be used for the alterations to the listed structures shall be as set out on plan references 596-P07B, 596-P08B and 596-P09B.

Reason: To safeguard the visual amenities of the listed buildings, the setting of the scheduled monument and the wider Shoebury Garrison Conservation Area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The earth used to form the ramps to the powder magazines and heavy quick firing battery hereby approved shall be from the existing park and not imported from elsewhere.

Reason: To protect the ecology of the area and prevent invasive species being introduced to the site in accordance with National Planning Policy Framework

(2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

Members are recommended to GRANT LISTED BUILDING CONSENT subject to the following conditions

01 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 596-P01, 596-P04, 596-P05, 596-P06, 596-P07B, 596-P08B and 596-P09B.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03 The design details and materials to be used for the alterations to the listed structures shall be as set out on plan references 596-P07B, 596-P08B and 596-P09B.

Reason: To safeguard the visual amenities of the listed buildings, the setting of the scheduled monument and the wider Shoebury Garrison Conservation Area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The removal of graffiti from the listed buildings shall be carried out in accordance with the advice contained within the publication 'Graffiti on historic buildings and monuments – methods of removal and prevention' by Historic England 1999.

Reason: To safeguard the visual amenities of the listed buildings, the setting of the scheduled monument and the wider Shoebury Garrison Conservation Area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

#### Informatives

01 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to

recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

03 The applicant must make every effort to ensure that visitors to the development are encouraged to park within the existing public car parks and not to park in the surrounding residential roads.

04 The applicant must make every effort to ensure that workers and equipment used in association with this development do not negatively impact the environment, including by trampling vegetation, leaving waste on site and disturbing/damaging/destroying protected species.

In determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

**112 20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea (Thorpe Ward)**

Proposal: Erect new spectator stand to sports pitch  
Applicant: Mr Jerry Omango  
Agent: Mr Darren Munsey

Cllr Mulroney withdrew from the meeting for this agenda item

Ms Lynam spoke as an objector to the application  
Mr Munsey Responded

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 960 SM/NAK/01A, 960 SM/NAK/02A, 960 SM/NAK/03A, 960 SM/NAK/04A and the specifications provided within the submitted document titled 'Stadium Solutions'.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03. The stand shall provide a capacity of, and be occupied by no more than, 120 spectators at any one time.

Reason: In the interests of the amenities of the surrounding area, further to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

04. The stand hereby approved shall not be brought into use until an Emergency Flood and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved plan shall be implemented in full prior to the first use of the stand.

Reason: To ensure that the development will be safe for its lifetime, further to the National Planning Policy Framework (2019), and Policies KP1, KP2 and CP4 of the Core Strategy (2007).

05. Prior to first use of the stand, a scheme of external lighting shall have been submitted to and agreed in writing by the Local Planning Authority. External lighting for the development shall be provided only in accordance with the agreed details.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

06. Prior to first use of the stand, details of refuse and recycling facilities to be provided at the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the stand and retained thereafter for the lifetime of the development in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste storage is provided in the interests of visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework, Policy KP2 of the Core Strategy (2007) and Policy DM3 of the Development Management Document (2015).

07. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, and not at all on Saturdays, Sundays or Bank Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

#### Informatives

01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when

this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

03. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.

**113 20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea (Prittlewell Ward)**

Proposal: Raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space (Amended Proposal).

Applicant: Mr Paul miller

Agent: BDA Architecture

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

02 The development shall be carried out in accordance with the approved plans: 18.150/01 Rev B; 18.150/02 Rev B; 18.150/03 Rev B; 18.150/04 Rev D; 18.150/05 Rev D; 18.150 06 Rev D; 18.150 07 Rev C; 18.150/08 Rev C; 18.150/09 Rev C; 18.150/10 Rev D & 18.150/11 Rev C.

Reason: To ensure the development is carried out in accordance with the development plan.

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition works until samples of the materials to be used in the construction of the external elevations of the development hereby permitted have been submitted to and approved in writing by the local planning

authority. The development shall be carried out and completed in full accordance with the approved details before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and advice contained within the Design and Townscape Guide (2009).

04 The development shall not be occupied until 6 car parking spaces have been provided at the site and made available for use in accordance with drawing 18.150/10/rev D, together with properly constructed vehicular access to the adjoining highway, all in accordance with the details shown on approved plan 18.150/10/rev D Proposed Site Layout Plan. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15.

05 Prior to the first occupation of the dwellings hereby approved full details of refuse, recycling and secure, covered bicycle storage facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the dwellings hereby approved, refuse, recycling and bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

06 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out and completed in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i. means of enclosure, of the site including any gates or boundary fencing;
  - ii. car parking layouts;
  - iii. other vehicle and pedestrian access and circulation areas;
  - iv. hard surfacing materials;
  - v. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
  - vi. details of measures to enhance biodiversity within the site;
- Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.



Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

07 A scheme detailing how at least 10% of the total energy needs of the dwellings hereby approved will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to their first occupation. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007).

08 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

09 Construction and demolition works (including the unloading and loading of associated materials) associated with this permission shall only take place between the hours of 0800 and 1800 Monday to Friday 0800 and 1300 Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the character and amenity of the area in accordance with Policy DM1 of the Development Management Document.

10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3.

11 The new first floor windows in the southern flank elevation facing No.16 St Benets Road shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework, Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and advice contained in The Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

#### Informatives

01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

#### **114 18/00241/UNAU\_B - 47 Prince Avenue, Southend-on-Sea (St Laurence Ward)**

Breaches of Control: Without planning permission, the conversion of a single dwelling to 3 self-contained flats

Cllr Wakefield withdrew from the meeting for this agenda item

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) Cease the unauthorised use of the building as 3 self-contained flats.
- b) Remove from site all materials resulting from compliance with a) above

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.

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 cessation of use as 3 self-contained flats.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims 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 on the grounds set out in the formal recommendation.

**115 18/00142/UNAU\_B - 1595 London Road, Leigh-on-Sea (West Leigh Ward)**

Breaches of Control: External staircase and access to flats without planning permission

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) require the unauthorised external staircase to be removed
- b) remove from site all materials resulting from compliance with (a) above.

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.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

**Chairman:** \_\_\_\_\_

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