
BREACH OF PLANNING CONTROL AT ST. ANDREWS HALL, 2 ASHINGDON ROAD, ROCHFORD, ESSEX

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the erection of a timber boundary fence between the building and the highway at the above property.
- 1.2 Members will need to consider whether it is expedient to serve enforcement notices, etc. and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

2 INTRODUCTION

- 2.1 The site is located at the junction of Ashingdon Road, Bradley Way and Hall Road immediately to the north of the mini-roundabout there. As well as being located within the Rochford Conservation Area it is important to note that the fencing is close to the Grade II Listed almshouses to the east of the site. This fencing comprises approximately 2 metre high close-boarded panels positioned on two sides of the roughly triangular shaped open area between the building and the highway
- 2.2 Much of the fencing is immediately behind the original low brick wall with chain which borders the site and is presently coloured brown. Light coloured concrete posts are situated at regular intervals within this fencing.

3 HISTORY

- 3.1 It is understood that previously this hall has been used for a variety of D1 uses since its construction although this pre-dates the introduction of general planning control in 1948. Therefore no specific planning permission exists for its use which was last year (2001) changed to that of a children's day nursery.
- 3.2 Whilst the works of conversion were being undertaken, the operator decided to enclose this previously open part of the site. He indicated that this was to provide a safe outdoor area for the children. These works generated a number of complainants from local Members, the Rochford Parish Council and the public. The owner was advised that planning permission would be required.
- 3.3 It also became apparent that at least one part of the fencing was causing an obstruction to highway visibility at this junction. Accordingly following advice from Officers from both this authority and the Essex County Council, the fence was re-positioned to overcome this.

Nonetheless it was made clear that planning permission was still required.

- 3.4 Advice was given that a more traditional form of enclosure could be submitted although the operator appeared to be reluctant to remove the fencing. Subsequently and after some delay an application was finally submitted to retain the fencing. This application was determined in February this year and refused on visual grounds including - it was inappropriate in this prominent location within the Conservation Area, and at odds with the building and its surroundings, thereby affecting the views and appearance of the almshouses as well as the hall itself, which is "locally listed".
- 3.5 When the application was made the operator pointed out that he was unaware for the need for planning permission for the fence. He realigned it immediately to comply with the sight line required by the Highway Authority. He stressed that the reasoning behind the erection of the fence was the safety of the young children attending the nursery (aged 3 months to 5 years). He went onto stress that the functional need for a solid fence as protection and a barrier from potential risks presented by elements of the general public.

4 PLANNING ISSUES

- 4.1 The authority has determined that the fencing appears incongruous in this position within Rochford town centre for the above reasons. Of course the applicant has the option of appealing against this decision but the fencing remains and regardless of a possible appeal the authority is entitled to take enforcement action, if appropriate. In any event an appeal into the issuing of such a Notice can be heard simultaneously with any planning appeal.
- 4.2 The fencing has been determined to be incongruous and remains in situ. Bearing this in mind and for the above reasons it is now considered expedient to take enforcement action.

5 RECOMMENDATION

- 5.1 It is proposed that the Committee **RESOLVES**

That the Corporate Director (Law, Planning and Administration) be authorised to take all necessary action including the issue of Notices and action in the Courts to secure the remedying of the breach now reported. (HPS)

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Head of Planning Service

Background Papers: Planning Application reference 01/00891/FUL

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