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**BREACH OF PLANNING CONTROL AT LAND ADJACENT 115  
SOUTHEND ROAD, ROCHFORD, ESSEX****SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control namely the storage of wood, sand, other building materials and garden waste, that contributes to an untidy site.
- 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 land is located immediately to the rear of a residential/commercial parade. The parade comprises typically a shop, restaurant or service on the ground floor, with residential accommodation above.

**3 PLANNING HISTORY**

- 3.1 This site was originally brought to the attention of the Planning Officers in April 1993, and following negotiation, was cleared of all items of rubbish.
- 3.2 The site was then brought back to the Council's attention in April 2001. A letter was sent to the owner of the site giving him 28 days within which to clear the site. An inspection, subsequent to the expiration of this deadline, revealed that no attempt to clear the site had been made.

**4 PLANNING ISSUES**

- 4.1 Most of the premises along the parade have rear windows that afford direct views into the site. The site appears incongruous within a residential area, and causes serious detriment to the other residential units in the vicinity. The site back directly onto a footpath which runs along the back of the rear gardens of the parade and, due to the fence panels being in a poor state along this boundary, views into the site are possible from ground level. Beyond the footpath are further residential properties that, from a first floor level, offer views into this site.
- 4.2 Given the nature of the waste on site it would appear ideal for harbouring rodents that, due to the location of three A3 take away uses within very close proximity to the site, cannot be considered acceptable.
- 4.3 This Enforcement action therefore seeks to request the removal of all the waste and other materials from the site.

**5 RESOURCE IMPLICATIONS**

Due to the lack of co-operation and response from the owner, and in view of the length of time that this breach has occurred, there is a strong possibility that Direct Action by the Council to clear the site will be necessary. The Council's Housing, Health and Community Care Department have received numerous complaints about this site but none have been actionable under the legislation they enforce.

**6 RECOMMENDATION**

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

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