
BREACH OF PLANNING CONTROL AT "THE SIMLA" RESTAURANT, FERRY ROAD, HULLBRIDGE

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the breach of planning control, namely the construction of a hardstanding at the rear of the above 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 This breach of planning control arises from drainage works that were initially carried out by Anglian Water Ltd. (AW) on the adjoining park. Utilising the Company's "permitted development rights", this surface was constructed to house workers' vehicles, materials, temporary buildings, etc., on a temporary period whilst the necessary drainage works were undertaken. However, after concerns were raised about the effect on the adjoining listed buildings, the operations were moved further away and the hardstanding was not in fact required by the company.
- 2.2 The proprietor of the restaurant has now indicated that he wishes to retain this hardstanding, which covers practically the entire open area to the rear of the restaurant. The proprietor remarks that it assists in his maintenance of the site by keeping vegetation at bay, etc. Whilst this is appreciated, there is every indication that this will, and is, at times, being used by vehicles visiting the restaurant. Complaints have been made by local residents about such a use.
- 2.3 On previous occasions, planning applications for car parks on this area have been refused. Additionally, an appeal against an enforcement notice for a hardstanding was allowed but on the condition that it not be used for car parking.

3 PLANNING HISTORY OF THE SITE

- 3.1 There has been a restaurant/café on this site for many years and records indicate that this use pre-dates the introduction of general planning control in 1948. As indicated above, though, there have been applications to provide parking for customers in recent years.

- 3.2 Planning application ref.F/0858/90/ROC for 19 parking spaces and a boundary fence was refused on the grounds that the hard surfacing would be visually detrimental to the adjacent listed buildings and the area generally.
- 3.3 In 1991 an Enforcement Notice was served against the unauthorised construction of a car parking hardstanding on the site. The Inspector on the appeal into this Notice took the view that "the dwellings on the north and south boundaries of the site could experience considerable nuisance from noise and general disturbance in the late hours caused by patrons and staff leaving the car park....." but allowed the hardstanding to remain. However, this was on the condition that the surfaced area around the premises should not be used for the parking of motor vehicles.
- 3.4 A subsequent application (Ref. 99/0047/FUL) for alterations to the front boundary wall and the formation of three parking spaces was submitted in 1999. This was also refused due to the loss of privacy and amenities by reason of noise intrusion from vehicles, etc., late at night.

4 PLANNING ISSUES

- 4.1 The site is within a residential area with several dwellings nearby, including a number of listed buildings. The continued presence on the site of such works is likely to result in parking there. This has already occurred and its continuation will have a significant impact on the residential amenities of nearby properties. This use is therefore contrary to Policies H24 and EB6 of the Rochford District Local Plan which deals with safeguarding amenities in residential areas and the issue of non-conforming uses respectively.
- 4.2 The appearance of this extensive hardstanding across the entire rear area of the restaurant is also incongruous, being sited adjacent to the listed buildings as well as the main access to the Public Open Space beyond. In view of the detrimental effect that this surface has, as well as the potential harm from the car parking use, this Enforcement action seeks to secure the removal of such.

5 RECOMMENDATION

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

That the Head of Planning Services 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.

Shaun Scrutton

Head of Planning Services

Background Papers:

Various applications and appeal referred to above.

For further information please contact Nick Barnes on:-

Tel:- 01702 318088

E-Mail:- nick.barnes@rochford.gov.uk