
BREACH OF PLANNING CONTROL AT 5 WEIR POND ROAD, ROCHFORD, ESSEX

SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control namely the non-compliance with Condition 4 of planning application reference CU/0528/96/ROC, that required the occupiers of the site to erect a means of enclosure along the front of the 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 on the north side of Weir Pond Road, within the historic core of Rochford Town Centre. It is currently occupied by Blackwells of Hawkwell, who operate a business selling dolls houses, models and other accessories.

3 HISTORY

- 3.1 Permission was granted in 1997 to change the use of land and buildings at this site from a timber yard to retail, wholesale and storage of dolls houses and accessories. Condition 4 of this application read: - *"No part of the development hereby permitted shall commence before plans and particulars showing precise details of a suitable means of enclosure to the boundary of the site adjoining Weir Pond Road, have been submitted to and agreed in writing by the Local Planning Authority. Any such scheme of details as may be agreed in writing by the Local Planning Authority...shall be implemented in its entirety before any of the site is used for any of the purposes hereby permitted."*
- 3.2 Details were submitted to, and agreed by, the Local Planning Authority during 1998, but it was recently brought to the Council's attention that the wall had never been constructed.
- 3.3 Contact was made with the site owner and his amicable co-operation apparently secured. Work commenced on the wall in February 2001, but ceased by April 2001 with the wall still incomplete. The slats had not been fitted onto the wall and neither had the gates been installed.

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- 3.4 Further contact was made, and it was established that the gates and slats would not be fitted, as the site owner was concerned with the cost of the works.

4 PLANNING ISSUES

- 4.1 The wall, in its unfinished state, appears incongruous in this position within Rochford town centre. The condition was originally included to enable the Local Planning Authority to secure a suitable means of enclosing and screening the Weir Pond Road frontage of the site in the interests of preserving the character and amenity of the Rochford Conservation Area, as it was felt that a means of enclosure here would help to protect and enhance the visual character of the street frontage.
- 4.2 The site looked incongruous prior to the commencement of the wall, but now, in its partially finished state, the appearance of the site is detrimental to the aesthetic ideals of the Conservation area.

5 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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