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## BREACH OF PLANNING CONTROL ON LAND AT 34-36 HIGH STREET, GREAT WAKERING, 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 conditions Two, Three and Four attached to planning permission reference 02/00218/COU.
- 1.2 Members will need to consider whether it is expedient to serve notices, etc. and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

### 2 INTRODUCTION

- 2.1 Planning permission was granted in June 2002 to change the use of the existing building to a dwelling. Included within this consent were a number of conditions that were imposed to ensure that the building did not detract from the appearance of the Conservation Area.
- 2.2 Amongst these conditions two, three and four read as follows :-

*Two "Details are to be submitted and agreed with the Local Planning Authority within 3 months of the date of this decision of remedial alterations to the existing blocked opening to the front building elevation marked 'A' on the approved plan. Furthermore, the agreed remedial works shall be implemented within 5 months of the date of this decision in accordance..." (with the)..."agreed scheme and thereafter be retained in that form."*

*Three "Details are to be submitted and agreed with the Local Planning Authority within 3 months of the date of this decision of remedial alterations and works to the former main entrance / fire door area marked 'B' on the approved plan. Furthermore, the agreed remedial works shall be implemented within 5 months of the date of this decision in accordance with the agreed scheme and thereafter be retained in that form."*

*Four "Details are to be submitted and agreed with the Local Planning Authority within 3 months of this decision of boundary enclosure treatment to the front garden area annotated on the internal layout drawing. Furthermore, the agreed enclosure shall be implemented within 9 months of the date of this decision and thereafter retained in that form."*

- 2.3 Such conditions were imposed to enable the LPA to retain adequate control over such matters, in the interests of local and residential amenity and impact on the surrounding Great Wakering Conservation Area.

### **3 PLANNING HISTORY**

- 3.1 Originally this site was brought to the attention of Officers in May 2001. At that stage the use of the building for residential purposes was unauthorised and the owner was invited to make an application to regularise this. Further action in respect of the untidy appearance of the front elevation was considered at that stage but, ultimately, it was felt sufficient to impose conditions on the subsequently approved application requiring remedial works to be undertaken to improve the appearance of the property.
- 3.2 A brief submission was then made by the owner of the property outlining his proposals for complying with these conditions. Following this contact was made with Essex County Council's Historic Buildings and Design Officer. Formal comment was received from him advising that the proposals submitted were unacceptable and recommending that the most convenient and aesthetically satisfactory conclusion would be for the former windows to be filled with matching bricks.
- 3.3 A letter was sent to the owner in November 2002 advising him of the need to comply with the conditions and advising, since he had declined to offer any firm proposals, what steps he should take to comply with these conditions. A deadline was set to either comply with this Authority's suggestion of infilling the void with matching brick or to submit his own proposals. No such proposals were forthcoming and a subsequent site visit revealed that compliance had not been forthcoming.

### **4 PLANNING ISSUES**

- 4.1 The conditions were imposed in an attempt to control and protect the appearance of both the building itself and also the wider Conservation Area. Chapter 7 of the RDLP deals with urban conservation and sets out its strategy to protect and enhance the historic character of settlements, particularly within the Conservation Areas. Indeed, Policy UC1 states that the LPA will seek to protect and enhance all those buildings which go to make up the character of such areas. Further regard must also be taken of the specific design guidelines for Conservation Areas contained within Appendix 7 of the RDLP and all development within such areas must be assessed against these criteria.

- 4.2 The building, at present, appears incongruous in this condition and significantly detracts from both the immediate surrounding area and also the wider Conservation Area. It was felt that suitable conditions, once complied with, would remedy any disamenity but the subsequent non-compliance has meant this has not occurred. With this in mind the decision was taken to seek authorisation for further, formal enforcement action. This may take the form of breach of condition notices that will require the voids to be infilled with matching bricks and the boundary to be treated with an acceptable means of enclosure. It will also, however, give the owner a further 28 days within which to submit his alternative proposals should he not wish to undertake those requested by the LPA.

## **5 RECOMMENDATION**

It is proposed that the Committee **RESOLVES**

That the Head of Planning Services be authorised to take all necessary action to secure the remedying of the breach now reported. (HPS)

Shaun Scrutton

Head of Planning Services

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### **Background Papers:**

**None**

For further information please contact Dave Beighton on: -

Tel:- 01702 318097

E-Mail: - david.beighton@rochford.gov.uk