
BREACH OF PLANNING CONTROL AT IVY COTTAGE, SUTTON ROAD, ROCHFORD.

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning condition requiring the closure of a vehicle crossover which has not been closed.
- 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 Ivy Cottage is located on the Sutton Road in Rochford. When planning permission was granted on 12 August 2002 to allow the construction of a new vehicular crossover, a condition required that, upon completion of the new vehicular crossover, the existing, original, highway crossover, be permanently closed and returned to full kerb height. The reason for this being the original vehicular crossover is substandard in highway safety terms.
- 2.2 This matter was first brought to officers' attention in August 2003 by a complaint from the Highway Authority. Enquires and an inspection confirmed that the new crossover had been constructed in April / May 2002 yet, to date, the previous, original crossover has not been closed despite requests to do so.

3 PLANNING HISTORY OF THE SITE

- 3.1

03.10.2001	Application for Single Storey Side Extension (Replacing Existing Garage) First Floor Rear Extension with Pitched Roof Over Existing Flat Roof.	(01/00778/FUL)
Approved	01.03.2002	
06.06.2002	Construction of New Vehicular Crossover (Existing Crossover to Remain)	(02/00489/FUL)
Approved	12.08.2002	

4 HIGHWAY AND HUMAN RIGHTS ISSUES

- 4.1 The Highway Authority advise that the original access is substandard and should be closed because:
 - Visibility of oncoming traffic on the non-traffic approach side at the old access is minimal and is obstructed by the front fence, hedge line and

vegetation of adjoining properties. Sutton Road is a 60 mph road and visibility of traffic should be some 2 metres x 215 metres. At 2.00 metres the visibility is some 20 metres.

- If vehicles were to access the site at the original crossing in order to gain access to the parking area the vehicles would have to drive along the frontage of the property. This is contrary to the direction of the traffic on the main road. After dark this could lead to drivers on the main road being dazzled and confused by oncoming lighted vehicles on the wrong side of them.
- Sutton Road is a classified and very busy road and the creation of an additional access is not supported on a stretch of classified highway where the main function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principle function and introduce a further point of possible traffic conflict to the detriment of highway safety.
- There is sufficient space for vehicles to turn within the site when using the new access only, allowing vehicles to enter and leave the site in forward gear and to join the carriageway at 90°. A much safer option than using the original access which would mean that vehicles would be joining the carriageway at an obtuse angle with insufficient visibility.

- 4.2 The Human Rights issues were considered but these did not appear to outweigh the serious highway safety concerns

5 RISK IMPLICATIONS

5.1 Strategic Risk

The Council is required to produce a Local Plan detailing the Authority's policies in the District and the Authority should demonstrate its commitment to delivering the aims and objectives in line with this document.

5.2 Resources Risk

The Council may be liable for costs incurred during the defence of any appeal, including the appellants' claims for costs if the Authority's action is judged to be unreasonable. Costs may also be claimed during legal action to obtain compliance with a notice.

5.3 Reputation Risk

If action is not taken in this case this Council will be seen to not implement its objectives to the full. A precedent may also be set, making it difficult for the Authority to resist similar unauthorised development. Consequently unless it is serious in its commitment to ensure development is in accord with its objectives, these will be undermined.

6 RECOMMENDATION

6.1 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.

Shaun Scrutton
Head of Planning Services

Background Papers:

Decision Notice 02/00489/FUL dated 12 August 2004

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