
BREACH OF PLANNING CONTROL AT 23-27 SPA ROAD, HOCKLEY, ESSEX.

1 SUMMARY

- 1.1 The Acting Head of Planning Services reports a breach of planning control by virtue of failure to comply with conditions 3 and 4 of planning permission F/0446/90/ROC (decision notice dated 27/7/90), regarding car parking provision.
- 1.2 A report was first made of an untidy site at this location in November 1999. The site had suffered some waste dumping and, with the unmetalled surface, had taken on the appearance of waste ground. Investigations into the untidy site allegation also revealed the above breaches of conditions.
- 1.3 Condition 3 requires the owners to provide nine hard-surfaced car parking spaces. Condition 4 requires that the spaces must be marked out on the surface and that this must be done prior to the occupation of the extension applied for under the planning permission. The car parking spaces are to be provided on the land to the rear of the property, but must avoid damaging the two trees there, which are the subject of Tree Preservation Orders.
- 1.4 Upon inspection it was revealed that no effort had been made to set aside the required parking spaces and accordingly the conditions have not been complied with. Action is therefore considered expedient to ensure that the site has adequate parking as required by the conditions. It is also required to ensure that the current informal parking on the site does not lead to damage to the two protected trees or to deterioration into an untidy site.
- 1.5 Discussions have been going on with one landowner who owns approximately two thirds of the site and is keen to provide the requisite car parking. However, the other landowner resides in New Zealand and contact with him has proved difficult.
- 1.6 Contact has now been established with the latter owner and there is an indication that the condition may be complied with. However, given the closeness to the end of the 10 year period for enforcement action, it is considered appropriate to seek authority now for formal action should the conditions not be complied with, so that action can be taken in the matter. Thus enforcement action is likely only to be pursued if negotiations with the landowners fail to result in compliance.

2 RESOURCE IMPLICATIONS

- 2.1 There are no direct implications for the Local Planning Authority arising from this matter other than the normal resource implications in consequence of this recommendation.

3 LEGAL IMPLICATIONS

- 3.1 Any action considered necessary through the Courts to remedy the breach.

4 PARISH IMPLICATIONS

- 4.1 The site lies within the Parish of Hockley.

5 RECOMMENDATION

- 5.1 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 of planning control now reported. (AHPS)

Shaun Scrutton

Acting Head of Planning Services

For further information please contact Nick Barnes on (01702) 318088