

**DR/44/14**

committee DEVELOPMENT & REGULATION

date 24th October 2014

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**COUNTY COUNCIL DEVELOPMENT - ENFORCEMENT OF PLANNING CONTROL**

Unauthorised Development: **Unauthorised temporary access and removal of shrubs**

Location: **Land at Holy Cross School Tracyes Road, Harlow, CM18 6JJ**

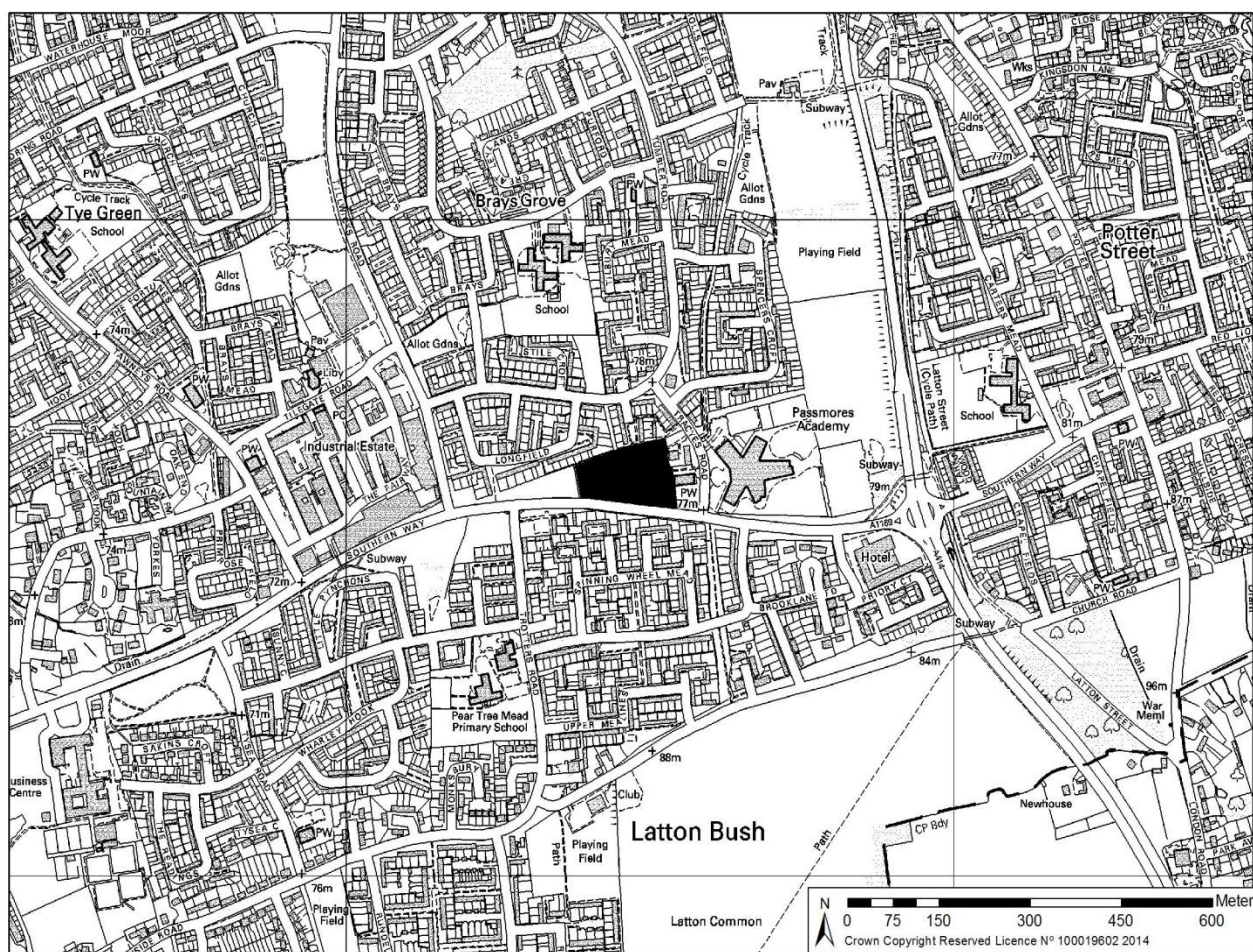
Ref: **ENF/0614**

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Report by Director of Operations, Environment and Economy

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## **1. BACKGROUND AND SITE**

The 1.55ha site is located north of the A1169 Southern Way in Harlow. It occupies a prominent frontage on the gateway to the Brays Grove estate. Pedestrian and vehicular access is currently provided via Tracyses Road, located off Southern Way.

The site is bounded to the east by the Holy Cross RC Church and Presbytery, to the west by the Longfield and Spencers Croft residential areas, to the north by the Spencers Croft residential area and to the south by Southern Way. The new Passmores Academy is located to the east of the church, across Tracyses Road.

The most recent application, ref. CC/HLW/19/14, was for a new single and double storey annexe to accommodate an additional 210 pupil numbers, together with single storey extensions to the main hall and head teacher's room, the provision of a temporary classbase for a period of 12 months and the provision of 8 new cycle parking spaces. The application was approved by Members of the Development and Regulation Committee in May 2014. The approved plans included a temporary internal construction access, as shown on drawing ref M340/F10A dated 08/05/14. This permission has been implemented although a new internal temporary access route ('new access') has been created which is not strictly in accordance with the approved plans.

## **2. CURRENT POSITION**

Construction works have commenced on site and the new temporary access has been created causing the loss of a small section of fencing and shrubs within the site. A complaint has been received by a resident who objected to the original school development.

The developer has claimed that the new access is a suitable alternative to allow larger construction vehicles to safely manoeuvre within the site. The new access is adjacent to the original proposed access point to the school construction site; however the new location enables the site construction traffic to be completely separated from school pupils and staff accessing the school. The point of access to the public highway (Traceys Road) has not altered.

On passing through the new access, construction vehicles are required to stop and make contact with the site office, before being authorised onto the main school construction site. This ensures that no vehicles reverse on to the site to unload.

In considering appropriate action in relation to a breach of planning control relevant Government Guidance is found in the National Planning Policy Framework (the Framework) and the Council's Local Enforcement and Monitoring Plan. The Framework highlights that enforcement action is discretionary and the Local Planning Authority should act proportionality in resolving any breaches of planning control.

The procedure for dealing with breaches of planning control for the Council's own development is also set out in the Local Enforcement and Monitoring Plan. Upon

concluding there has been a breach of planning control, negotiation would be the first step in addressing the situation.

In accordance with the Local Enforcement and Monitoring Plan, upon concluding there has been a breach of planning control, the authority needs to consider the harm being caused and make a judgement as to whether or not planning permission is required and if so whether it is likely to be granted for the development in question.

In this particular case, it is considered that the only harm that has resulted from relocating the internal access route is the damage caused to a small section of shrubs.. The revised location is considered to be a material change, however, provided that the land is reinstated after the construction period it is not considered expedient to take action requiring cessation of the use of the new access.

### **3. RECOMMENDED**

Subject to the fencing, planting and surfaces affected by the work being reinstated on completion of the school development (ref CC/HLW/19/14), no further action is taken to address this minor breach of planning control.

#### **LOCAL MEMBER NOTIFICATION**

HARLOW – Harlow South East