

## Environment and Housing Response to

### SCRUTINY REVIEW OF PLANNING ENFORCEMENT – the Cross Over at 202-203 Grange Road, SE1

#### Context

Historically the Highways Maintenance team within the Asset Management Business Unit have processed requests for vehicle crossovers. These are almost entirely related to residential properties.

The assessment of whether an access would be permitted was based on reference to the '*Vehicle Access Policy*' (1993) prepared by the Development Section of Southwark Environmental Services and developed in collaboration with other units within the Council. It is understood that this document was approved by Committee and as such deemed to be Council policy.

No limitations were placed on the application of this policy e.g. the need to refer to other units within the Council or category of road or land use. However in the Introduction of the document it is recognised that '*local issues and policies together with Statutory requirements may result in changes and it is the intention of this Council as the responsible Highway and Traffic Authority to issue more detailed advice in a series of design guides.*' No such amendment(s) appear to have been received.

One such amendment would have been The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 2, Minor Operations, Class B which provides permitted development rights to allow '*formation, laying out and the construction of means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (Other than by Class A of this Part).*' However, these permitted development rights do not extend to business premises even if the road is not a trunk or classified road

#### 202-203 Grange Road

In response to a request for a cross over from the site owners inspections were carried out and by reference to the above policy document, a cross over was considered appropriate. This was paid for by BEW Electrical and constructed by the Council's term contractor.

As a result of a complaint made in 2007 by an immediate neighbour BEW Electrical were advised by Southwark that Planning Consent should have been obtained to permit the cross over. This was applied for retrospectively and a refusal given on 03/04/2009 citing the following as reasons:

- Vehicle access onto a classified road
- Harmful to conditions of pedestrian safety and vehicular safety and as such contrary to Policies 5.2 'Transport Impacts' and 5.3 'Walking and Cycling ' of the Southwark Plan (July 2007) and Transport Planning For Sustainable Development SPD (2008)

**What processes are in place to check if there is a possible planning issue before works are undertaken?**

Response:

- New processes that have been introduced are listed in the response to Q3 however this needs to be underpinned by good two way communications, information sharing and possible timely reviews.
- Within Asset Management all requests for cross-overs, regardless of road classification or land use are now copied to the Street Care Manager as a second tier review process.

**What lessons have been learnt from the planning breaches that have occurred on these occasions?**

Response:

- The need to establish and maintain communications with other units. This communication needs to be triggered by a formal process or policy document. Not to assume the validity of the dated policy documents
- The need for the Development Management (Planning) to advise other units of changes in policy / statutes and visa versa where applicable.

**What changes have been made to the Department's approach to minimise incidents of this type in the future?**

Response:

Following in depth discussions held between the Maintenance Team and the Group Manager – Planning Enforcement, the following process changes have been agreed:

- All requests for cross over's on classified roads are to be referred to Development Management (Planning).
- No action by Highways Maintenance team on any request that has been referred to Development Management (Planning) until a written confirmation to proceed is received
- Exchanged and agreed lists of classified roads in the borough.
- Agreement on the need for new policy documentation that encompasses planning and other relevant issues.

**Any policies / joint arrangements you have in place to facilitate your work with the planning enforcement process and the team?**

- Please see responses to other questions

**Any ideas you have for how the policies and the systems could be improved?**

- An agreed process, including key milestones, for Highways Development Management. (This process is in early draft form already and currently being developed further)
- Greater use of the intranet to:-
  - Library storage of Council policy documents, guidance, revisions and withdrawals
  - Advice of changes in policy / statute that might affect others
  - List of contacts / areas of responsibility
- Possible quarterly update / review process between necessary parties (as be as onerous as needed).

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