

## Station Road Appendix A.

<b>Issue</b>	<b>Action</b>	<b>Summary</b>	<b>Likely Outcome</b>	<b>Recommendation</b>
Drainage	Building Control and Highway Issue	Not a planning issue cannot be controlled through planning legislation	Not a planning issue therefore cannot enforce through planning legislation, would be unreasonable and costs could be awarded against LA at appeal or Ombudsman.	Refer issue to Highways to investigate and take action if necessary.
Windows opening on to highway	Highway issue, can ask for restraints to be applied to the windows cannot insist through planning legislation	Applicant can adhere to request, would be personally liable for any resulting impact on Highway safety if no restraints applied.	Not a planning issue therefore cannot enforce through planning legislation, would be unreasonable and costs could be awarded against LA at appeal or Ombudsman.	Refer issue to Highways to investigate, and if necessary Highways to take action.
Size of extension	Members previously resolved at planning Committee not to take enforcement action against this element.	Changes considered De Minimus and do not materially affect the development to a degree to require enforcement action	Would be unreasonable for members to choose to enforce when they previously resolved to take no action, Applicant could appeal against the enforcement notice, cost could be awarded against local authority if enforcement notice quashed	No enforcement action be taken
Height of Extension	1) Take enforcement action to have roof height lowered to that approved	Enforcement notice served, developer could then appeal against the notice	Enforcement notice could be quashed and costs awarded against the authority unless it can be demonstrated that the change in roof height has caused harm to the previously approved development to such	No enforcement action be taken

			a degree that if the application was resubmitted with the current roof height, members would find the whole development unacceptable.	
	2) Do Not enforce	Members chose not to take enforcement, developer is aware that the development will remain unauthorised and may chose to submit a revised application to regularise the situation.	Developer stated that he does not intend to submit a revised application development would remain unlawful.	Case officer considers this is the appropriate course of action as considers the as built development to be acceptable in planning terms. Unreasonable to enforce when bulk of development is approved and change to roof has had no adverse impact on the development or Local authority's previous reasons for approval.
Materials	Materials were specified on plan number (204-03)04 Rev D which was previously approved by members.  Members may which to request that the developer takes further steps such as painting of the render.	Developer can refuse to adhere to such a request or appeal	Unreasonable request, although the associated planning condition has not been discharged the materials were specified on the approved plan.  There are no permitted development rights removed (article fours) within the conservation area that allow the authority greater control over building materials such as UPVC.	The authority would need to demonstrate that by not discharging the relevant planning condition, the materials used have altered the development to such a degree that permission would not have been forthcoming for the development as a whole.  Unreasonable to enforce as these materials were previously specified and approved by members.
Possible third	Cannot enforce against	Can take	Not a consideration at this time	Speculative therefore unreasonable for

storey/use of roof space as living accommodation	speculative works	enforcement action if unauthorised works are carried out and is appropriate to do so.	as no evidence of works to form a third storey. Extensions have no permitted development rights therefore further works to create living accommodation in the roof space would require planning permission.	the authority to consider this aspect and may be held to be unreasonable at appeal and ombudsman.  Should unauthorised works be carried out enforcement to investigate and action taken if appropriate
Window positions different from approved plans	1) Enforce	Serve an enforcement notice stating that the windows should be implemented in accordance with approved plans	Need to consider whether the changes have materially altered the extension to the detriment of the development or amenity of neighbours.  Developer can appeal against the enforcement notice	It is considered that the as built window arrangement is acceptable and has had no adverse impact on neighbours from that approved or been detrimental to the design.  Enforcement notice may be quashed
	2) Not to enforce	Take no further action		No enforcement action taken
Car parking layout implemented, condition not discharged, but plans recently submitted by agent	Can ask for amendments to layout as built and refuse to discharge condition		Members requested when granting approval for all car parking to come off Swinburne Road	No Objections from Head of Engineering and Transport to existing as built arrangement, recommend no action taken and appropriate planning condition be discharged.
Lack of amenity space	Can ask for amendments to the car parking layout however little scope to provide significant amenity space due to parking coming from Swinburne Road.		Members requested when granting approval for application 04/2058/FUL that all car parking come off Swinburne Road, removing scope for significant landscaping on Swinburne Road.	Would be unreasonable to ask for car parking layout to be amended when members previously asked for parking in this location and planning approval granted on this condition.  Recommend- No action taken

Details of all means of enclosure including materials to be used	Planning condition which has not been discharged	Plans submitted by agent to discharge the relevant condition	Need to consider whether appropriate to discharge the condition	Most of these works have been carried out and are considered acceptable, recommend that condition be discharged. In line with plan number (204-03) 04 Rev F
Edging stones from the alley removed and filled with tarmac	Not a planning issue, cannot take any enforcement action	Refer to Highways for investigation	Highways need to consider if reinstatement is required	Action as necessary by highways
Bin storage	Sufficient space provided in original scheme, Parking layout has made bin storage on site more constrained but not unachievable.	Considered that there remains sufficient space for bin storage on site	Bin storage on the highway if considered a recurring obstruction, could be enforced by Highways if considered appropriate	Refer issue to Highways for investigation and action if necessary.  No planning enforcement necessary
Provision of a drop kerb for parking	Not a planning issue	Applicant has contacted Service Stockton for approval, in process of implementing agreement.	Highways to investigate if not provided	Highway issue, not a planning consideration therefore not possible to take any action under planning legislation.  Highways can enforce if not implemented in accordance with their requirements